

# Consent Is Not Enough: A Case against Liberal Sexual Ethics

David McPherson

## Introduction

What's needed for an adequate sexual ethic? Many college students today are expected to undergo sex-related consent training, and some might get the impression that consent is the only requirement. However, I think this would be a false impression. While consent is certainly necessary for an adequate sexual ethic (and it's important to know what it involves), I'll argue that it's far from sufficient. The key claims that I'll seek to advance are the following:

- (1) The consent-only model of sexual ethics affirms a "casual" view of sex and therefore it can't make sense of and properly combat what's *worst* in the sexual domain: namely, the grave evil of sexual violence. This, of course, is what college-sponsored consent training is concerned to combat, but by endorsing the consent-only sexual ethic it in fact contributes to the problem.
- (2) The consent-only model of sexual ethics fails properly to recognize the special significance of human sexuality and the nature of erotic love and its role in human sexual fulfillment and therefore it can't make sense of and properly support what's *best* in the sexual domain: namely, a committed erotic loving relationship. Most colleges give little to no effort to encourage and support such relationships, and indeed their initiatives in sexual matters are often counter-productive here.

I think remedying these deficiencies requires recovering a version of the traditional sexual ethic. Unlike the consent-only model of sexual ethics, it's not easy to summarize the traditional sexual ethic briefly, since it's based on what it regards as tried-and-true wisdom built up over the ages in the light of human experience. While the traditional sexual ethic has been associated with a number of specific judgments about what's appropriate and inappropriate in human sexuality, the specific version that I want to defend involves the following: it seeks to give proper recognition to the special significance of human sexuality, avoid dehumanization in sexual desire, and encourage and support committed erotic love and its role in human fulfillment. Moreover, it regards this as requiring that we cultivate sexual virtues such as chastity, modesty, and fidelity, and that we encourage and support life-long monogamous marriage as the proper context for human sexual relationship. When I refer to "the traditional sexual ethic" in what follows it should be understood in these terms.

What I want to bring out is the contrast between this traditional sexual ethic and the liberal sexual ethic, which endorses the consent-only model. In doing so, I aim to show the superiority of the former over the latter.

## The Liberal Sexual Ethic

The consent-only model of sexual ethics is a *liberal* one because to require only consent is to give primary importance to autonomous choice, which is the hallmark value of a liberal moral outlook. Indeed, this moral outlook is usually rooted in a view of human dignity where what's most important about us as human beings is our capacity to make our own choices, rather than our capacity to make *right* choices. Thus, to respect someone is to respect his or her autonomous choices, which requires that we obtain consent from him or her in any activity of ours in which he or she is affected. At the core of the liberal sexual ethic then is the following claim: There's nothing morally wrong with "casual" sex (that is, "no strings attached" sex) – indeed it's a positive thing – so long as all involved consent to the sexual relationship.<sup>1</sup>

It's in fact distinctive of the liberal sexual ethic that it maintains that *there is such a thing as casual sex*. This is a point that is contested by those who endorse the traditional sexual ethic. For instance, Elizabeth Anscombe writes: "There is no such thing as a casual, non-significant sexual act. ... Those who try to make room for sex as mere casual enjoyment pay the penalty: they become shallow. ... They dishonour their own bodies."<sup>2</sup> To maintain that there is such a thing as casual sex is to say that sex is not of any inherent special moral significance. Liberal sexual ethicists thus often seek to *disenchant* human sexuality.

We see this, for instance, in Alan Goldman's well-known article "Plain Sex," where he offers a reductive account of sexual desire that reduces out the meanings that are often connected with human sexuality, including the sense that there's something sacred or of deep inherent significance here, which is central to the traditional view (as indicated in Anscombe's remarks). According to Goldman's "plain sex" view, sexual desire is "desire for contact with another person's body and for the pleasure which such contact produces; sexual activity is activity which tends to fulfill such desires for the agent."<sup>3</sup> This definition is problematic in a number of ways – for example, it over-sexualizes interpersonal touch, it has no connection with the sexual organs, etc. – but the view it's trying to express seems clear enough. The reductive view of sexual desire is that it is mere lust, something that non-human animals also have, and thus something without any distinctive human meaning necessarily attached to it.

Given this reductive view of sexual desire as mere lust, where all human meaning is removed, it's not surprising that Goldman should write: "To the question of what morality might be implied by my analysis, the answer is that there are no moral implications whatever. Any analysis of sex which imputes a moral character to sex acts in themselves is wrong for that reason. There is no morality intrinsic to sex, although general moral rules apply to the treatment of others in sex acts as they apply to all human relations."<sup>4</sup> Goldman goes on to compare sexual

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<sup>1</sup> As Seiriol Morgan describes it, the liberal sexual ethic maintains: "[You] can have a nice friendly fuck with someone you hardly know, with no intention of forming any kind of long-standing relationship or even repeating the encounter, and ... there's nothing whatever wrong about this. Not only is there nothing wrong with it, such an experience can be extremely pleasurable and life-affirming for everyone involved, and a thoroughly good thing all round" ("Dark Desires," *Ethical Theory and Moral Practice* 6:4 [2003]: 407-8). On "casual" sex being understood as "no strings attached" sex, see Raja Halwani, "On Fucking Around," in Nicholas Power, Raja Halwani, and Alan Soble (eds.), *The Philosophy of Sex: Contemporary Readings*, 6<sup>th</sup> ed. (Lanham, MD: Rowman & Littlefield, 2013), 443. While I am focusing on the issue of "casual" sex within liberal sexual ethics, it should be noted that the liberal sexual ethic also affirms that there is nothing wrong with promiscuity (that is, frequent "casual" sex), prostitution, pornography, sadomasochism, and so forth, so long as all involved give their consent.

<sup>2</sup> Anscombe, "Chastity and Contraception," in *Faith in a Hard Ground: Essays on Religion, Philosophy and Ethics* by G.E.M. Anscombe, ed. Mary Geach and Luke Gormally (Charlottesville, VA: Imprint, 2008), 186.

<sup>3</sup> Goldman, "Plain Sex," *Philosophy & Public Affairs* 6:3 (1977): 268.

<sup>4</sup> Goldman, "Plain Sex," 280; consider also these similar remarks from Peter Singer: "Sex raises no special moral issues at all. Decisions about sex may involve considerations of honesty, concern for others, prudence and so

relationships to business relationships, suggesting that the same general moral rules apply in both cases.<sup>5</sup> What's important in each case is that those involved consent to the exchange for mutual benefit and live up to their side of bargain. We see here then that the casual (that is, reductive) view of sex leads to the idea of the *sexual commodity*. I think we should find this problematic.

## Against the Liberal Sexual Ethic

In making the case against the liberal sexual ethic, it's important to combat the disenchanting move it makes with regard to human sexuality in affirming that there's such a thing as "casual" sex. We should begin then by critiquing the reductive account of sexual desire that Goldman offers, where sexual desire is understood as mere lust, that is, as seeking bodily (sexual) gratification in relation to the body of someone else.

Goldman doesn't deny that sex can be connected, for instance, with expressing love, but he thinks that this involves connecting it with an external goal. Against this instrumentalist understanding, we should instead see love as being *constitutive* of a distinctive kind of sexual experience and thus as *internal* to sexual desire understood as *erotic love*, which is a distinctively human mode of sexual desire. In contrast to the reductive view of sexual desire, we can speak of a *personalist* view where sexual desire is seen as an erotic loving intention directed toward and responsive to a particular person, as an *embodied subject* and not just a body, and with whom one desires to be sexually united in an intimate bond and where the beloved is regarded as irreplaceable.<sup>6</sup> This also involves rejecting the casual view of sex and instead seeing human sexuality as having a deep inherent significance because of its connection with who we are as embodied subjects, which erotic love reveals to us. Sexual desire, we can say then, takes two general forms: it can take the form of lust (which is common to animal life), or it can take the form of erotic love (which is distinctively human). The central aim of the traditional sexual ethic is to ennoble and humanize sexual desire by transforming mere lust into erotic love, which, at its best, is one of the most fulfilling modes of human experience.

A key step toward humanizing sexual desire is to reject adopting the reductive understanding, which is dehumanizing, since, as Roger Scruton puts it, it "removes sex from the sphere of interpersonal relations, and remodels it as a relation between objects."<sup>7</sup> In other words, it involves objectification. This can take many forms: for instance, it can involve *instrumentality*, where one treats another as a means to his or her ends; it can involve *fungibility*, where one treats another as being a kind of commodity that is interchangeable with other commodities that provide what is wanted (for example, pleasure) and thus as being replaceable; and it can involve a *reduction of someone to his or her body* (or even body parts).<sup>8</sup> Oftentimes, these will go together when one treats a sexual relationship "casually."

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on, but there is nothing special about sex in this respect, for the same could be said of decisions about driving a car" (quoted in Piers Benn, "Is Sex Morally Special?," *Journal of Applied Philosophy* 16:3 [1999]: 235). I focus here on Goldman's well-known defense of the liberal sexual ethic, but for another similar defense see Igor Primoratz, "Sexual Morality: Is Consent Enough?," *Ethical Theory and Moral Practice* 4:3 (2001): 201-18.

<sup>5</sup> See Goldman, "Plain Sex," 280-3.

<sup>6</sup> In my description of this personalist account I am indebted to Roger Scruton's chapter on "Sex" in his book *An Intelligent Person's Guide to Philosophy* (New York: Penguin, 1999).

<sup>7</sup> Scruton, "Sex," 127. Scruton is responding to other versions of the reductive account.

<sup>8</sup> See Martha Nussbaum, "Objectification," *Philosophy and Public Affairs* 24:4 (1994): 257. In addition to instrumentality and fungibility, Nussbaum discusses denial of autonomy, inertness, violability, ownership, and

Goldman, in fact, is explicit about the objectification involved in his position, though he wants to maintain that there's still a minimal way in which the liberal sexual ethic recognizes subjectivity. He writes: "Even in an act which by its nature 'objectifies' the other, one recognizes a partner as a subject with demands and desires by yielding to those desires, by allowing oneself to be a sexual object as well, by giving pleasure or ensuring that the pleasures of the acts are mutual."<sup>9</sup> By contrast, the personalist account of sexual desire denies that sexual relationships are necessarily objectifying; they're not insofar as love is involved, which is responsive to another human being as an embodied subject. Moreover, the traditional sexual ethic, in virtue of accepting this personalist view, maintains that all objectification – that is, dehumanization or depersonalization – should be rejected. There's no good reason for it if we think human beings are worthy of love and respect.

The traditional sexual ethic, however, goes beyond other views that affirm a non-objectification requirement, such as some feminist forms of sexual ethics. The traditional view seeks to ennoble and humanize sexual desire by transforming mere lust into erotic love through the cultivation of *sexual virtues* such as chastity, modesty, and fidelity. Each of these could be discussed at length; but I'll focus here briefly on the virtue of chastity, since it's the key virtue of the sexual domain. Chastity, as I understand it, is the virtue of getting things right with respect to sexual desire, and it applies whether one is sexually active or not. Chastity is a habitual disposition concerned not only with right conduct, but also with right feeling and intention. This means that it cannot be understood simply as sexual self-control. David Carr writes: "[We] can hardly regard agents as chaste – however sexually self-controlled – if they are also given to lewd, degrading, exploitive, abusive, or criminal attitudes towards potential sexual partners."<sup>10</sup> Thus, part of what "getting things right with respect to sexual desire" means is the avoidance of objectification, and so anyone who affirms a non-objectification requirement should be concerned with cultivating the virtue of chastity. As Roger Scruton says: "Sexual virtue does not forbid desire: it simply ensures the status of desire as an interpersonal feeling."<sup>11</sup> Getting things right with respect to sexual desire must also be defined according to its proper end, namely, a committed erotic loving relationship. Chastity therefore helps us to attain and maintain genuine human sexual fulfillment within such a relationship.

The traditional sexual ethic holds that there's an inherent "nuptiality" to erotic love: it tends toward and is best fulfilled within a permanent and exclusive erotic loving relationship.<sup>12</sup> In other words, when we really love someone erotically we don't want to live without her or him. Rather, we want to bind our lives together, and this also demands exclusivity as befitting the

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denial of subjectivity as forms of objectification. Halwani, following Rae Langton, also adds reduction to body (which is similar to denial of subjectivity), reduction to appearance, and silencing to Nussbaum's list ("On Fucking Around," 447). He thinks that casual sex and promiscuity ("fucking around") are likely, if not always, objectifying, though he maintains that they may still be permissible; that is, while they may be wrong, they're not so wrong (except in cases of sexual violence), and there are other factors – namely, everyone consents and finds the sexual exchange pleasant – that offset the wrongness (454-6). So Halwani ends up with what appears to be a similar position to Goldman's. The case that I am making is that "casual" sex – and by extension promiscuity – is by its nature objectifying, which is to say dehumanizing, and should be shunned.

<sup>9</sup> Goldman, "Plain Sex," 283.

<sup>10</sup> Carr, "On the Prospects of Chastity as a Contemporary Virtue," in Raja Halwani (ed.), *Sex and Ethics: Essays on Sexuality, Virtue, and the Good Life* (New York: Palgrave Macmillan, 2007), 95.

<sup>11</sup> Scruton, "Sex," 137.

<sup>12</sup> See Scruton, *Sexual Desire: A Philosophical Investigation* (New York: Continuum, 2006 [1986]), 339; cf. Plato: "love is wanting to possess the good forever" (*Symposium* 206a, trans. Alexander Nehamas and Paul Woodruff).

profound intimacy of the erotic loving relationship. Erotic love therefore finds its proper expression in the vow of marriage, and, we should add, this bond can be further enhanced through having children and the making and sustaining of family life. In the vow of marriage, we solemnly promise our love and fidelity to our spouse “for better or for worse,” until we’re parted by death. A vow differs from a contract in that it’s not merely an agreement for mutual benefit (which the parties can also agree to rescind at any time), but rather it creates an “existential tie”: “the world of vows is a world of sacred things, in which holy and infeasible obligations stand athwart our lives and command us along certain paths.”<sup>13</sup> The vow of marriage thus fits with the traditional view of marriage as a *sacrament*, which is rooted in the experience of erotic love. What genuine erotic love reveals to us is that there’s something sacred or profoundly significant in human sexuality, at least in part because human beings are inherently sacred or reverence-worthy and our sexuality is intimately connected with who we are as embodied subjects.<sup>14</sup> The vow of marriage is the proper response to the sacredness that’s revealed here.

So against the sexual commodity view of the liberal sexual ethic, the traditional sexual ethic affirms a sexual sacrament view.<sup>15</sup> The sacred or the profoundly significant in human sexuality is revealed not only in what’s best in human sexual relationships – namely, erotic love and its vow – but also and perhaps even more clearly in what’s worst: namely, sexual violence. For the liberal, consent-only model of sexual ethics, rape and other forms of sexual violence are wrong because they violate the requirement of consent with regard to what happens to one’s body (that is, they violate bodily autonomy). While this is certainly true, what the liberal sexual ethic can’t explain – due to its disenchanting view that human sexuality has no inherent special moral significance – is why sexual violence is *so* wrong, indeed, why it’s one of the worst wrongs that one human being can do to another and is so much worse than other violations of consent (such as in flicking someone’s ear).

What we need is the language of the sacred (or something like it) in order to articulate our sense of horror at the grave evil of sexual violence, since there’s rightly a sense of desecration of something sacred or reverence-worthy here.<sup>16</sup> In short, it seems that we need the

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<sup>13</sup> Scruton, “A Meaningful Marriage,” in *A Political Philosophy: Arguments for Conservatism* (London: Bloomsbury, 2006), 88.

<sup>14</sup> I say “at least in part” because we can also affirm the sacredness of human sexuality in virtue of its connection “with the origination of human life” (Anscombe, “Chastity and Contraception,” 186). However, many have lost a strong sense of this connection, which I think makes attitudes toward sex more shallow.

<sup>15</sup> See Scruton, “Sex,” 134.

<sup>16</sup> See Scruton, “Sex,” 133; see also David Benatar, “Two Views of Sexual Ethics: Promiscuity, Pedophilia, and Rape,” in Nicholas Power, Raja Halwani, and Alan Soble (eds.), *The Philosophy of Sex: Contemporary Readings*, 6<sup>th</sup> ed. (Lanham, MD: Rowman & Littlefield, 2013), 400-1. Benatar maintains that the casual view of sex is problematic because it cannot explain why rape is rightly seen as so much worse than other violations of consent, but he believes the significance view is problematic in ruling out promiscuity. He thinks that we’re just left with a paradox (402-3). But there’s nothing paradoxical here: I think the significance view is correct both in ruling out promiscuity and in seeing rape as being so much worse than, say, forcing someone to eat an apple.

Now, some might want to take a weaker significance view that avoids my appeal to the inherent sacredness (or special moral significance) of human sexuality: they might claim that it is a psychological fact for most human beings that sexual violence will be experienced as much worse than other violations of consent, since they especially care about their sexuality (perhaps because of the sense of intimacy it involves). But the problem with this view is that if there are some who don’t care as much about their sexuality or who could get over the psychological trauma of sexual violence through therapy, this wouldn’t lessen the grave evil of the act of sexual violence, and we need a moral language that can make sense of this: namely, the language of the sacred (or something like it). Such language also informs our sense that it’s right that we should care deeply about our sexuality; it is of profound significance.

traditional sexual ethic (or something like it), which, in addition to requiring that we avoid dehumanizing attitudes and that we cultivate sexual virtue, places strong taboos (that is, requirements of things that are strictly to be avoided) around human sexuality, which give recognition to its sacredness or inviolability. For advocates of sexual liberation, these taboos are often seen as repressive and unhealthy, and so to be overthrown. However, while we may need some reform of traditional sexual mores, if we seek to throw off all taboos regarding human sexuality (save the one against non-consensual sex), then we'd be "throwing the baby out with the bath water." Some of these taboos – for example, against "casual" sex, promiscuity, adultery, pornography, prostitution, etc. – are meant to protect what's best in human sexuality: namely, erotic love and its vow. Other taboos are concerned with avoiding what's worst: namely, rape and other forms of sexual violence.<sup>17</sup>

## Concluding Thoughts

If we want to uphold the importance of consent in human sexual relationships, then we need to recognize that more than consent is required for an adequate sexual ethic. This is one reason why sex-related consent training is problematic when it emphasizes only consent. It doesn't properly recognize the inherent special moral significance of human sexuality, which makes it morally different from other areas of consensual exchange, such as business relationships. By encouraging the casual view of sex, it makes it difficult to see why the violation of the consent-requirement in sexual relations is *so* wrong (indeed, a grave evil), and so it in fact contributes to the problem that it's seeking to combat.

By endorsing an autonomy-centered ethic it also suffers from a problem that all autonomy-centered views have in maintaining that what matters most is choice and not the ends of choice. If there are no ends of choice that are of great importance such that they can place constraints on our choices, then this deflates our sense of the importance of choice. Human dignity can't reside simply in our capacity for choice but must reside in our capacity to make *right* choices. In other words, it must reside in our capacity for the ethical life.

Sex-related consent training that emphasizes only consent is also counter-productive for realizing what's best in the sexual domain: namely, a committed erotic loving relationship. By encouraging the casual view of sex it contributes to the problem of "cheap sex": when sex is more easily obtained, committed and lasting erotic loving relationships are more difficult to attain.<sup>18</sup> It becomes more difficult to say "no" to sex if it's understood "casually" as a mere pleasant exchange of sexual commodities, and sex often becomes an immediate expectation in the formation of a "romantic" relationship. But when sex is "cheap" and widely available, sexual partners often become seen as easily "discardable," and this leaves people feeling used and replaceable; that is, they feel that they themselves have been treated as "cheap."

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According to Goldman, "the immorality of rape derives from its being an extreme violation of a person's body, of the right not to be humiliated, and of the general moral prohibition against using other persons against their wills, not from the fact that it is a sexual act" ("Plain Sex," 281). But the sense of humiliation does seem to be connected to the fact that it is a sexual act, and we can also rightly have a sense of desecration – and not just humiliation – here.

<sup>17</sup> In the last several paragraphs I've drawn some from my essay "Traditional Morality and Sacred Values," *Analyse & Kritik: Journal of Philosophy and Social Theory* 39:1 (2017): 41-62.

<sup>18</sup> This problem is documented in Mark Regnerus, *Cheap Sex: The Transformation of Men, Marriage, and Monogamy* (Oxford University Press, 2017).

This demonstrates the truth of Anscombe's remark that there's "no such thing as a casual, non-significant sexual act": while we can treat sex casually, doing so ultimately degrades its inherent significance, and it also degrades our humanity (that is, it's dehumanizing). We merely treat as "cheap" what is inherently precious. If we affirm the deep significance of human sexuality, then we should also affirm that committed erotic love that gives recognition to this significance, rather than mere lust, is the proper form of desire in human sexual relationship. Because our sexuality is connected to who we are as persons, we want our gift of self in sexual relationship to be received as something inherently precious and irreplaceable, something to which committed love is the proper response. In contrast to the liberal sexual ethic, the traditional sexual ethic therefore seeks to make sex "expensive": it requires a committed, lasting loving relationship – backed by a solemn vow – as the proper context for sex, since permanence and exclusivity are what erotic love demands for its proper fulfillment.

If colleges want to help to avoid what's worst in the sexual domain and to promote what's best, then my argument is that they should recognize that consent is not enough. Instead of suggesting that it is, they should encourage a version of the traditional sexual ethic along the lines of what I've sketched here. Someone might object that while this can be acceptable at private universities – especially ones with traditional religious missions – it isn't acceptable at state-funded public universities, which should remain neutral between competing conceptions of the good for human life. But promoting the view that consent alone is sufficient for ethical sexual relations is hardly a neutral message, since it embodies its own autonomy-centered conception of the good for human life, it expresses a highly contestable understanding of sex and its place in human life, and it can be argued that it causes serious harm (as I've indeed argued). If state-funded public universities are actually to aspire to some reasonable form of neutrality, then they should, at the very least, present the traditional sexual ethic alongside the liberal one. Students deserve the opportunity to examine each and consider which is best.<sup>19</sup>

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<sup>19</sup> I thank Kirstin McPherson and Bob Fischer for helpful comments that enabled me to improve this essay.