

IGOR PRIMORATZ

## SEXUAL MORALITY: IS CONSENT ENOUGH?

**ABSTRACT.** The liberal view that valid consent is sufficient for a sex act to be morally legitimate is challenged by three major philosophies of sex: the Catholic view of sex as ordained for procreation and properly confined to marriage, the romantic view of sex as bound up with love, and the radical feminist analysis of sex in our society as part and parcel of the domination of women by men. I take a critical look at all three, focusing on Mary Geach's recent statement of the procreation view, Roger Scruton's theory of sexual desire as naturally evolving into intimacy and love, and several radical feminist discussions of sex in sexist society which argue that the notion of consent is unhelpful and, indeed, irrelevant. I argue that none of these lines of argument is convincing, and that consent remains the touchstone of morally permissible sex – although, admittedly, it may not be very helpful in discussing ideals of human sexuality.

**KEY WORDS:** coercion in sex, consent to sex, sex, sexual ideals, sexual morality

Consent is considered morally decisive over a wide area of action. It makes all the difference between murder and voluntary euthanasia, between battery and sport, or between theft and gift. It would be widely agreed that it also makes a lot of difference in sex. However, in sex things are not quite as straightforward. Assuming that we are talking of valid consent and are in agreement about the appropriate criteria, its crucial role in cases such as sport vs. battery or gift vs. theft will be readily granted. With regard to sex, all that will be widely agreed is that valid consent is *necessary*<sup>1</sup> (and even that will be questioned by one important approach in the philosophy of sex). But it will not be generally agreed that consent is *sufficient* for a sexual act to be morally legitimate. While some hold that consent to sex is indeed enough to legitimize it, others maintain that more is required; of course, there are different views about just what else is needed.

In this paper, I want to argue that in sex, as elsewhere, consent is indeed enough. I will not discuss the nature of consent, nor the ways and means of consenting to sex and the appropriate criteria of the validity of such consent. The latter has been done very well in David Archard's re-

---

<sup>1</sup>Except, of course, in sexual relationships that can be described as 'beyond consent': those where a history of mutual closeness, attentiveness, and concern obviates the need for giving it (although it would be given if, for some reason, it were sought). See Archard, 1998, pp. 25–27.



cent book *Sexual Consent*, and I tend to agree with much of what he says. I will rather take a critical look at the main lines of argument for the claim that consent to sex is at best necessary, but not sufficient. This claim follows from moral conceptions of sex that endow human sexuality with significance well beyond a mere source of a certain kind of pleasure. The central thought in such conceptions is voiced in the late Elizabeth Anscombe's well-known remark: "There is no such thing as a casual, non-significant sexual act; everyone knows this" (Anscombe, 1997, p. 44). These conceptions accordingly deny legitimacy to sexual interactions based on nothing but mutual consent that is reasonably free and informed and may be motivated by any of a host of reasons.

There are three major conceptions of sex that ground this denial: the view of sex as meant for procreation and confined to marriage, the view of sex as bound up with love, and the radical feminist understanding of sex.

#### 1. 'MARITAL ACT' AS THE NORM

The view of sex as meant for procreation within monogamous marriage has been advanced in its most consistent and thus most demanding version by Catholic philosophers and moral theologians. Its main sources are the mind/body dualism of much of Greek philosophy, with its suspicion and disparagement of the body, and the Biblical commandment "Be fruitful and multiply, and fill the earth!" These two provided the basis for a sexual ethics that understands and judges human sex acts in terms of the purpose of human sexuality, determined by God and constitutive of the natural order of things, which is procreation. Accordingly, mere mutual consent to sex cannot be enough; this ethics confers moral legitimacy only on sex of the sort that in natural circumstances can lead to procreation, and takes place within monogamous marriage, considered the sole appropriate framework for bringing up offspring. In the encyclical *Humanae Vitae* (1968) the emphasis on procreation is somewhat attenuated by introducing the expression and enhancement of marital love as the second function of sex. But this change is of no practical importance, since the two tasks of human sexuality are said to be inseparable in each and every sexual act. The current Catholic sexual ethics is as restrictive as before. It confines sex to monogamous and exclusive marriage, thus ruling out both masturbation and sex between any possible partners except husband and wife. And it is highly restrictive within these bounds too: it rules out petting to orgasm, oral sex, anal sex, as well as all methods of birth control except the 'safe days' method.

Not much needs to be said on this view. A teleological account of sex as meant for procreation is problematic in any of its three possible versions. Claims about God's purposes are too parochial for a philosophical discussion of these matters. Procreation is certainly not *the* purpose of humans who have sex; most of the time they do that without the slightest intention of procreating, and quite often after having taken measures to avoid doing so. And the claim that procreation is Nature's purpose makes sense only within a world-view hardly anyone finds feasible today. As Graham Priest remarks in a recent paper on sexual perversion, this claim "is like the grin of the Cheshire Cat: it lingers on when the conditions of its possibility have been removed" (Priest, 1997, p. 366).

Today, Catholic sexual ethics will more likely be presented in a more sophisticated version. The new natural law school of Catholic ethics no longer puts the emphasis on procreation as the purpose of sex. It rather focuses on marriage, conceived as a basic but complex human good constituted by the two goods of friendship (or marital love) and procreation. Most of the moral work is now done by the concept of a marital act, defined as the inseparable unity of these two goods. To be sure, the moral guidance offered remains the same. All sex acts that are not marital acts in the required sense, even if based on mutual consent, are on a par with masturbation: they involve alienation of the body and disintegration of personality, and are morally condemned on these counts.

The writings of the representatives of this school such as Germain Grisez and John Finnis have generated a lively debate. Critics have questioned their all-out condemnation of homosexual sex, even when it takes place within a loving relationship; their claim that intercourse between sterile spouses *is* a marital act in the required sense; their rejection of sexual pleasure as something that may legitimately be sought and experienced for its own sake. I have elsewhere briefly discussed some of the main tenets of the new natural law school concerning sex (see Primoratz, 1999, pp. 113–116, 131–132). Here I wish to look into another statement of the current Catholic understanding of sex that focuses on the same concept of marital act, but adopts a somewhat different type of argument: the paper of Mary Geach 'Marriage: Arguing to a First Principle in Sexual Ethics', in the recently published *Festschrift* for Peter Geach and Elizabeth Anscombe.

Mary Geach's point of departure is the distinction between first principles and starting points of an argument. She proposes to start with certain facts pertaining to human sexuality and, by building on them, establish the first principle of sexual morality, which will then generate the contents of such morality. The principle she seeks to establish is that of monogamous and indissoluble marriage as the sole distinctively human framework for

procreation. Human sexual acts ought to signify the marriage relationship and to be performed for its sake. This, of course, means that they must be of the sort that, under natural circumstances, can result in procreation.

The facts taken as starting points and said to lead to the adoption of this conception of marriage as the first principle include, first, “the tendency to set a high value on women’s chastity – on the virginity of unmarried girls, and the fidelity of married women.” Geach terms this ‘the civilizing norm’ (Geach, M., 1994, p. 178). It will be objected that this tendency is not found in all cultures. Geach anticipates the objection and argues that even those decaying cultures like the late Roman Empire or our own permissive society have retained some sense of the value of chastity. She invites us to consider “the feelings of a woman who is called a whore or slag”:

. . . Whether it is an effect of something deep in human nature, or only of the accidents of culture, a feeling which we just happen to share with the Chinese, and with the Indians, and with all the adherents of Islam, the fact remains that it is profoundly insulting to call a woman by any common expression meaning that she sleeps with men that she is not married to . . . Thus even our own culture is not as free from the civilizing norm as people would like to make out. (Geach, M., 1994, p. 179).

It seems to me, however, that the offense referred to is better explained in a way that provides no support for the conclusion Geach wants to reach. It is caused by the *common*, i.e. vulgar way of referring to the fact that the woman has sex with men she is not married to. How about “She isn’t married, but does have a sex life”? Or even “She isn’t married, but does have a sex life, and that has included more than one man”? These are true, and known to be true, of a great many women in our culture, and not very likely to cause offense to most of them.

Another starting point is “the fact that at certain times people have come to hate sexuality as such, and to regard it as loathsome and destructive in itself” (Geach, M., 1994, p. 181). One example is Shakespeare’s sonnet 129 (“The expense of spirit in a waste of shame/is lust in action . . . [. . .] Enjoyed no sooner but despised straight”); another is the remark of the aged Sophocles, cited in the *Republic*, that he was glad to be rid of sexual passion, which had been “a raging and savage beast of a master.” This is taken to support the claim of Peter Geach in *The Virtues* that outside marriage, sex is poison (Geach, P., 1977, p. 147). Now “if he is right and the poisonousness of non-marital sexual activity is a thing clearly visible,” Mary Geach writes, “and if marital sexual activity is not poisonous on the whole, this indicates that sexual activity is for the sake of marriage . . .” (Geach, M., 1994, p. 180). But the first ‘if’ is a big one indeed. And it is also a fact that at certain times people have come to hate sex in marriage

and regard it as just as poisonous as sex outside it. Think of Tolstoy's *Kreutzer Sonata*, for instance, where sex in marriage is said to be "something abominable, swinish, which it is horrid and shameful to mention or remember" (chapter XIII). Or, to take an example from an entirely different approach to the subject, think of Andrea Dworkin's book *Intercourse*. How can any facts of this sort establish anything at all in sexual morality?

Still another starting point is the following question: why does sexual desire present itself in the guise of a tremendously important, deeply personal feeling for the person desired?

If the venereal passion is no more than a desire for certain physical pleasure, what is this additional thing which it may make itself out to be? Why does this thing attach itself with such determination to a particular person? Why does it make people agonize so, behave so jealously to rivals, swear life-long fidelity? It is all very well to doubt the sincerity of a particular protestation of affection, but if all such protestations are insincere, what is the reality which is being insincerely pretended to? And why do we seek this reality in others? A solution to this problem is that the sexual act does indeed have significance, and that what it signifies is a permanent and exclusive type of relationship. (Geach, M., 1994, p. 185)

There is no need to suspect all, or even many, protestations of this sort, in order to resist the conclusion suggested by Geach. Sexual desire *may* make itself out to be sexual love. But then again, it may not. When it does not, it most likely does not signify anything beyond itself, and is not taken by those concerned to be signifying anything beyond itself. Sexual love obviously involves sexual desire; but the converse is not true.

Thus it seems to me that the one-sided selection of facets of human sexual experience brought up by Geach is much too shaky a basis for the severe sexual morality it is meant to prop up: a morality that enjoins us to shun all non-marital sex (in the technical, extremely narrow sense of the term), consensual or not, and even refrain from 'defiling' our marriages by contraception.

## 2. 'INDIVIDUALIZING INTENTIONALITY' AS THE NORM

Another important conception of sex that grounds the claim that consent to sex is not enough is the view that ties sex to love. This view is presented forcefully and in detail in Roger Scruton's book *Sexual Desire*.

Scruton's aim is twofold: to provide a phenomenological description of human sexuality, and then use it as the foundation of sexual morality. He argues that sexual arousal, sexual desire, and erotic love are not only basic phenomena of human sexuality, but are also distinctively *human*

phenomena. They “belong to that realm of reciprocal response which is mediated by the concept of the person, and which is available only to beings who possess and are motivated by that concept” (Scruton, 1986, p. 14). When sexually aroused by another, one does not respond merely to the other’s body, but to the other as a person. The other’s body is the focus of arousal, but not simply as body, but rather as the embodiment of the particular person he or she is. Moreover, sexual arousal does not point beyond that individual; it cannot be transferred to another, who might do just as well. Sexual desire, which grows out of arousal, has the same ‘inherently individualizing intentionality’: its object is not just *any* other person, or any other person of a certain *type*, as embodied. It is directed at the *particular* person in his or her individuality.

Just what is wanted of the embodied person one desires? Not mere orgasm, which plays the crucial role in scientific research of human sexuality. Such research misses its interpersonal character, its individualizing focus. The answer is rather to be found by following ‘the course of sexual desire’ in its several stages. Sexual desire that emerges from arousal does tend to focus on the other’s body, and indeed on its sexual parts. However, these are not important in themselves, but only on account of their ‘dramatic role’: “a woman is interested in her lover’s sexual parts because she wishes to be penetrated by *him* . . . The penis is the avatar of his presence . . .” (Scruton, 1986, p. 87). Desire does not simply aim at intercourse, complete with its consummation in orgasm, but at union with the other as the particular individual he or she is. This involves mutuality of arousal and desire. Each of the two embodied persons seeks to impress his or her embodiment upon the other, to reach and know the other as embodied, and to see oneself as embodied, aroused and desiring through the eyes of the other embodied, aroused and desiring person.

There are two further stages of the ‘course of desire’: intimacy and love. The ‘project of intimacy’ – of particular closeness, sympathy, and concern that sets the persons involved apart from everyone else – is suggested already in the first glances of desire, and naturally (although not inevitably) evolves from it. Finally, desire naturally (although not inevitably) finds its fulfillment in “a sense of commitment founded on the mutuality of desire”, i.e. in erotic love.

The sexual morality built on these foundations gives the pride of place to the capacity for erotic love. The claim that this capacity is *the* sexual virtue leads to judgments about other sexual virtues such as chastity, modesty, and fidelity, sexual practices such as marriage or prostitution, and sexual vices, which are habits that jeopardize the capacity for erotic love. In this way Scruton accomplishes the task he set himself at the outset of

his investigation: that of underpinning most of the traditional sexual morality. He does not underwrite the traditional rejection of non-procreative sex in general, and contraception in particular. But the prohibitions of standard sexual perversions such as pedophilia, necrophilia, or zoophilia, as well as of masturbation, casual sex, prostitution, and pornography, are expressly endorsed. All these are presented as so many forms and degrees of depersonalization: of “a diverting of the sexual impulse from its interpersonal goal,” “the complete or partial failure to recognise, in and through desire, the personal existence of the other” (Scruton, 1986, pp. 343, 289).

These crucial phrases are equivocal, however, and this equivocation is deeply damaging to Scruton’s account of sexual morality. In one sense, to say of human sexual experience that it is interpersonal is merely to say that humans are persons, and that this applies to sex, too. Typically, at least, humans are interested in sexual access to other humans, rather than, say, inflatable sex dolls. And in sex, as elsewhere, there is a moral requirement not to ignore the fact that humans are persons, not to treat them as something other than, less than persons. This is sometimes termed the principle of respect for persons. In another sense, the claim about the interpersonal character of human sexual experience is the claim that human sexual arousal or desire does, or should, focus on the other human being as the particular, unique, irreplaceable individual he or she is, and that sexual interest in another human being that is not ‘interpersonal’ in this sense amounts to depersonalization of the other and is accordingly degrading and morally unacceptable.

Of course, Scruton puts forward the latter, strong and controversial, and not merely the former, innocuous claim. He is suggesting that in sex one has only two options: *either* one ‘depersonalizes’ the other, reduces the other to the mere ‘fleshy reality’ of his or her body, virtually relates to him or her as a sex doll, *or* one relates to the other’s body as the embodiment of the unique, irreplaceable person he or she is, in a way that naturally evolves into intimacy and love.

But Scruton can face us with this choice only by sliding from the claim that in sex a human being relates, or should relate, to the other human being as *a* person, to the claim that he or she relates, or should relate, to the other human being as *the* particular, unique, irreplaceable person the other is. Now in sex, as elsewhere, one is indeed morally required to treat the other as a person, i.e. to take into account the other’s thoughts, feelings, wishes, interests, and to conduct one’s intercourse with the other on the basis of the other’s consent and co-operation, rather than by deception or coercion. But surely one can do that, while engaging the other with a view to a pleasurable sexual encounter and nothing more, and relating to the other as a

sexually attractive partner and nothing more, without so much as a hint of progress to the higher stages of Scruton's 'course of desire' – that is, while relating to the other in an admittedly partial and instrumental way. As long as one does so with the other's informed and freely given consent, one is relating to the other as *a* person, and thus complying with the principle of respect for persons, although one is not engaging the other as *the* total, unique person he or she is. And although it is usually more attractive and fulfilling to be related to in the latter way, with the 'individualizing intentionality' Scruton describes so well, one's valid consent to be engaged by another in the former way, lacking such intentionality, removes the moral bite from the charge of degradation or depersonalization.

### 3. RADICAL FEMINISM

The third view of sex I wish to discuss here is typical of radical feminism. Its stand on consent is different from that of the two views discussed so far. While the contemporary version of the understanding of sex as meant for procreation and properly confined to marriage and Scruton's coupling of human sexuality with love concur in holding consent to be necessary, but not sufficient for sexual acts to be morally right, radical feminists typically question the very relevance of consent to the morality of sexual acts.

To be sure, the interest of radical feminism in this issue, and in sexuality in general, is not primarily ethical or philosophical, but rather political. The subject of this paper, on the other hand, is the *moral* standing and import of consent to sex. I will therefore be looking at what radical feminists are saying from the point of view of moral philosophy, trying to relate their views and arguments to the debate in sexual ethics and to assess them in terms of their contribution to this debate, while leaving purely political issues to one side.

#### *Stretching the Concept of Rape*

Radical feminists consider all consent-based accounts of sex as vitiated by methodological individualism, which prevents us from seeing how particular sexual acts are informed and endowed with moral significance by the sexist social relations, practices and institutions of our society. Those who hold consent to be morally decisive see the line between right and wrong in sex as that between consensual and nonconsensual sex, and understand rape as a particularly grave type of the latter. Consensuality is the norm, while nonconsensual sex acts are sporadic cases of deviation.



But, as an early radical feminist analysis of rape puts it, “the special wrongness of rape is due to, and is only an exaggeration of, the wrongness of our sexual interactions in general” (Foa, 1977, p. 347). Rape is only the most dramatic epitome of the inequality of men and women and of the degradation and oppression of women by men. Furthermore, it is not merely a sporadic deviation; it is a deeply entrenched social practice that both expresses and reinforces the inequality, degradation, and oppression of women.

This type of analysis is carried out forcefully and in detail in the writings of Catharine A. MacKinnon, who argues that in our society sexuality is “a social construct of male power: defined by men, forced on women, and constitutive of the meaning of gender” (MacKinnon, 1989, p. 113). It is permeated by gender inequality and male dominance of women. This is true not only of some, but of all sex: from ‘normal’ intercourse to prostitution and pornography to sexual harassment and rape. MacKinnon invites us to compare reports of rape victims with women’s reports of sex and with the way pornography portrays sex: they all look very much alike. Accordingly, she argues, it is difficult to sustain the usual distinctions between the normal and the pathological and between violence and sex, and rape must be acknowledged as “indigenous, not exceptional, to women’s social condition” (MacKinnon, 1989, p. 172).

The presence or absence of consent would indeed mark the difference between legitimate sexual intercourse and rape, if the social conditions in which a woman gives or refuses consent were those of equality of power and freedom of choice. But the conditions in which sex is negotiated in our society are not at all like that. The far-reaching gender inequality and the domination of women by men in all areas of social life vitiate women’s consent to sex. Much too often, perhaps even typically, women engage in sex they do not want. They are made to do so in all kinds of ways, ranging from actual violence to various types of explicit or implicit coercion to economic considerations or psychological pressures and needs. MacKinnon’s illustrations include having sex “as a means to male approval; male approval translates into nearly all social goods”, “acquiescence [to sex], the despairing response to hopelessly unequal odds” (MacKinnon, 1989, pp. 147, 168), coercion “by something other than battery, something like economics, maybe even something like love”, as well as the following: “. . . We continue to stigmatize women who claim rape as having experienced a deviant violation and allow the rest of us to go through life feeling violated but thinking we’ve never been raped, when there were a great many times when we, too, have had sex and didn’t want it” (MacKinnon, 1987, pp. 88–89).

In view of this, the very idea of consent is no longer crucial nor, indeed, meaningful. Accordingly, MacKinnon proposes that “rape should be defined as sex by compulsion, of which physical force is one form. Lack of consent is redundant and should not be a separate element of the crime” (MacKinnon, 1989, p. 245). But we are not told just what is to count as compulsion. In view of the array of MacKinnon’s examples cited above, it appears to be a very wide notion – wide enough to imply that whenever a woman has sex with a man that she does not want for its own sake but engages in it for some extrinsic reason, she acts under compulsion and is being raped.

The last conclusion is radical indeed; but it is not atypical of discussions of rape in radical feminist writings. Here is another example, taken from the well-known article ‘Theory and Practice: Pornography and Rape’ by Robin Morgan:

. . . Rape exists any time sexual intercourse occurs when it has not been initiated by the woman out of her own genuine affection and desire. [. . .] Anything short of that is, in a radical feminist definition, rape. Because the pressure is there, and it need not be a knife blade against the throat; it’s in his body language, his threat of sulking, his clenched or trembling hands, his self-deprecating humor or angry put-down or silent self-pity at being rejected. How many millions of times have women had sex ‘willingly’ with men they didn’t want to have sex with? Even with men they loved? How many times have women wished just to sleep instead or read or watch ‘The Late Show’? . . . Under this definition, most of the decently married bedrooms across America are settings for nightly rape. (Morgan, 1980, pp. 134–135)

When the notion of consent goes by the board, and cases as different as a woman forced to have sex by a knife at her throat and a woman having sex she has not initiated and does not want for its own sake, but for any of the extrinsic reasons mentioned by Morgan and MacKinnon, are all lumped together under the heading of ‘rape’, we will still want to know *just how wrong* rape is. I trust that MacKinnon, Morgan and radical feminists generally do not mean to suggest that cases of the latter type should be judged with the gravity appropriate in cases of the former type, nor the other way around. If they did, those critics who charge them with either trivializing rape proper or wildly exaggerating the wrongness of ‘rape’ would have a point, and a very damaging one at that. But they also fail to provide a criterion for the discrimination sorely needed.

### *Stretching the Concept of Coercion*

There is another, less extreme stand on consent to sex within radical feminism. Some authors do not propose to stretch the concept of rape so much

that it applies to all extrinsically motivated heterosexual intercourse, but do argue that all such sex is coerced and therefore morally beyond the pale. A recent study of nonviolent sexual coercion by Charlene L. Muehlenhard and Jennifer L. Schrag, which integrates psychological and sociological research and feminist theory, focuses on types of sexual coercion that fall short of rape, but nevertheless jeopardize women's freedom. According to the authors, women can be truly free only if they are free from all forms of coercion. They discuss a wide range of pressures and influences that get women to have sex with men, from those said to be generated by 'compulsory heterosexuality' to 'verbal sexual coercion'.

Much of what they say is unexceptionable; but I would take exception to the claim that sexual coercion includes all pressure, and indeed all extrinsic motivation, to engage in sex not wanted for its own sake. Specifically, I find their account of 'status coercion' and 'verbal sexual coercion' off the mark. I find it difficult to accept that a woman's consent to sex with a man will not do if it is motivated by the man's social status and the expectation that it will somehow rub off on the woman (Muehlenhard and Schrag, 1991, p. 119), or if it is brought about by "a man's verbal arguments, not including verbal threats of physical force". The latter category comprises a wide array of verbal behavior, including threats to end the relationship, threats to look for a more accommodating partner, and statements that the woman's refusal to have sex with the man is changing the way he feels about her (Muehlenhard and Schrag, 1991, p. 122).

If all that is to count as coercion, and if the presence of any form and degree of coercion thus defined is enough to void consent to sex of its moral force, that will generate more confusion than clarity. If what we hope for is discerning moral appraisal, we should be better off if, under the heading of 'sex that is not wanted for its own sake', we sought to distinguish, rather than conflate, sex that is engaged in in response to economic, social, or psychological pressures or inducements which do not amount to coercion, and coerced sex.

Surely not every threat made or pressure exerted on or inducement offered to another with a view of getting her to do what one wants can plausibly be described as coercion. The threat or pressure must be grave enough if it is to qualify, while inducements proper will not qualify at all. The standard of gravity will vary from one context to another, both in law and in moral judgment. But there will have to be a standard in every area in which we hope to distinguish between coercion and influences that fall short of it, and between free and unfree actions.

What of sexual behavior? A threat of serious harm, whether bodily or economic, will obviously amount to coercion and will disqualify any con-

sent to sex procured thereby. On the other hand, A's claim to have been not merely maneuvered, but actually *coerced* into sex by B's threat to end the relationship, or to have sex with someone else, or by B's remark that A's unwillingness to have sex is affecting the way B feels about A, will normally be thought preposterous by anyone but a radical feminist (and the latter, of course, will take the claim seriously only if A is a woman and B a man). This sort of thing will fall short of coercion by any plausible standard, even in our admittedly sexist society. I do not wish to deny that the far-reaching gender inequality that characterizes our society will often make it harder on a woman than on a man to be the recipient of such a threat or comment; I am only saying that even so, normally it will not be grave enough to qualify as coercion and thus invalidate the consent given in response. If pressed to spell out the difference between influences exerted on another that do and those that do not amount to coercion, one might say that the former affect what the other person does by targeting his or her genuine and basic need, while the latter do so by playing on a mere wish of the other. Alternatively, one might distinguish between acting contrary to the other's expectations that are reasonable and fair, and acting contrary to those that are not. Yet another possibility is to distinguish between influences that infringe the other's rights and those that merely go against his or her preferences (see Mappes, 1992; Schulhofer, 1998, chapters 7–8). On any of these accounts, both 'status coercion' and many types of 'verbal sexual coercion' described by Muehlenhard and Schrag clearly fail to qualify. Instead of going into this any further, let me just point out that if every extrinsic consideration that gets us to do something is to count as coercion into doing it, and if we are truly free only in those actions we do for their own sake, then we are all coerced in most of what we do and unfree most of the time.

### *'Mutuality' as the Norm*

For yet another version of the radical feminist approach, I want to look into the study 'Consent, Equality, and the Legal Control of Sexual Conduct' by Martha Chamallas. Chamallas spells out and defends a conception of appropriate sexual conduct she sees as being increasingly adopted in law under the influence of feminist theory and political activism. The guiding idea is that of equality between the sexes, which would empower women to form and maintain truly free and mutual sexual relationships. In the present conditions of inequality of economic and social power, the social meaning of consent is bound up with inequality in sexual relationships. Women's consent is coerced or exploited, and therefore cannot confer

moral legitimacy on sex they have with men. Accordingly, the notion of consensuality should be replaced by that of mutuality as the touchstone of morally acceptable sex:

. . . Moral sex is coming to be identified with sexual conduct in which both parties have as their objective only sexual pleasure or emotional intimacy, whether or not tied to procreation. Good sex, in the egalitarian view, is noninstrumental conduct. Sex used for more external purposes such as financial gain, prestige, or power, is regarded as exploitive and immoral, regardless of whether the parties have engaged voluntarily in the encounter. (Chamallas, 1987/88, p. 784)

The emphasis here is not on coercion, which negates freedom, but rather on inequality and exploitation, which negate mutuality. Chamallas offers two arguments for the claim that the only type of sex that is morally acceptable is mutual sex: sex where the parties are motivated either by sexual desire or by personal emotions such as love, care and the like. First, men and women are unequal in wealth and power, but equal in their capacity to experience sexual pleasure and emotional intimacy. When sex is traded for money or power, men are in a position to exploit women; when sex is a matter of pleasure and intimacy, women can manage their sexual encounters and relationships with men on equal terms. Second, sex motivated by extrinsic reasons exposes women to ‘sexual objectification’, which is “a chief mechanism by which male supremacy is established and maintained”. Women are submitted to sexual objectification when they are not regarded as ‘whole persons’, but rather as “sexual objects evaluated primarily in terms of their physical attributes and secondarily in terms of their skill (charm) in displaying these attributes” (Chamallas, 1987/88, p. 839).

I do not find these arguments convincing. Consent is said to be insufficient to make sex morally legitimate because of social and economic inequality of men and women. Is all consent given in circumstances of inequality exploited, and therefore also incapable of making the transaction consented to morally legitimate? If so, much too many, if not most interactions and arrangements in our society, and indeed any large and complex society, will have to go by the board. Capitalist economy will have to go, for one thing; capitalist acts between consenting adults will no longer be readily allowed. Or is it being claimed that class inequality does not necessarily lead to exploitation and therefore leaves some room for valid consent, while gender inequality always does, and therefore makes the notion of consent irrelevant? But how could that be, when both are inequalities of wealth and power?

Second, the danger of sexual objectification, at least in the *pars pro toto* sense Chamallas has in mind, is a poor argument for restricting morally

acceptable sex to mutual sex. Mutuality of sexual desire does not rule out objectification in this sense; indeed, unadorned sexual desire may well lead to it. Think of two persons having sex solely for the pleasure of it, motivated by nothing but sexual desire for one another, and interested in one another only as the object of that desire, rather than as 'whole persons'. Is this not a case of mutuality, and one of sexual objectification too: a case of mutual sexual objectification? Accordingly, if sexual objectification is what must be avoided, the hedonist prong of Chamallas's conception of mutuality should be scrapped and mutuality reduced to the other prong, which does involve an interest in the other as 'the whole person' he or she is: to mutuality of love, care, and the like. But I doubt that Chamallas or, indeed, any radical feminist, should be happy with this move. It would be odd to see a radical feminist forced by the logic of his or her argument to embrace moral conservatism of the sort advanced by Roger Scruton.

#### 4. NORMS AND IDEALS

It may be objected that all I have said so far is predicated on too narrow an understanding of morality as nothing but a set of norms, rights, and duties. Surely there is more to it: surely morality also includes conceptions of the human good, ideals of human flourishing. And each of the three views discussed that look beyond consent can be construed, and is best construed, as one such conception, one such ideal, relating specifically to human sexuality. What the view of sex as meant for procreation and marriage is telling us is that we will make most of what human sexuality has to offer, and be at our best as sexual beings, if we let the experience of sex evolve beyond mere pleasure into something larger, more lasting, more fulfilling: marriage and family. The views of sex advanced by Scruton and by radical feminists should be taken as addressing the same question: How to make the most of human sexuality, how to be at our best as sexual beings? For Scruton, human sexuality is at its best, at its most human when it exhibits 'individualizing intentionality' of sexual desire that naturally evolves into intimacy and love. Radical feminists make the same claims for sex that is engaged in on equal terms and solely for its own sake, without any ulterior purpose. And these portrayals of human sex at its best surely have moral significance.

This way of construing the three views of sex discussed here may well be the most promising. But if we are going to adopt it, we should be clear about the implications for moral judgment. The suggestion is that the three views should not be interpreted as accounts of moral *norms* concerning

human sexual conduct, but rather as *ideals* of such conduct. Now these two types of moral considerations have different standing and play different roles in morality. Moral norms, requirements and prohibitions, rights and duties, make up the basis of morality. They are not offered as optional, but obligate everyone who happens to be in the relevant circumstances. Compliance with moral norms, respect for moral rights, performance of moral duties are required as a matter of course, and do not call for admiration or praise. But offenses against moral norms, violations of moral rights, failure to carry out moral duties are condemned as wrong. Moral ideals, on the other hand, are not prescribed for everybody. There is a number of such ideals, different from and often incompatible with one another. Which one, if any, one adopts, is a matter of personal choice. A person who embraces such an ideal and lives in accordance with it may be appreciated, admired, praised for it. But a person who does not is not properly subjected to moral condemnation on that account. Such a person may be failing to achieve something morally valuable, but is not doing something morally wrong.

Accordingly, if one or another of the three views of sex discussed is to be construed as an ideal, or even *the* ideal, of human sexuality, rather than an account of moral norms pertaining to it, it will tell us what is best in sex and what is less than best. It will ground appreciation or praise of those who attain to the former. But it will not justify moral condemnation of those who do not. It will not tell us how to distinguish between sex acts that are unacceptable, illegitimate, wrong, and need to be condemned as such, and those that are merely permissible, legitimate, not to be morally condemned. With regard to that, consent is enough after all.

Moreover, this way of construing the first two views of sex is very much against the grain. Both the traditional and the new natural law versions of the procreation and marriage view are meant to tell us not merely what is ideal sex, but what we may and may not do in the realm of the sexual. In this tradition, the ideal is portrayed as the renunciation of sex; there is no room for a *sexual* ideal. I do not know what Mary Geach would want to say on this point, but Peter Geach is quite unequivocal: "Marriage is a great good but not the best: virginity . . . is the best, the most glorious victory over our corruption" (Geach, P., 1977, p. 149). And Scruton, too, sees himself as laying down a robust sexual morality of prescription, proscription, and condemnation, rather than merely offering a sexual ideal which one may or may not wish to adopt.<sup>2</sup>

---

<sup>2</sup>For an argument for the reconstruction of Scruton's account of human sexuality as a moral ideal, see Benn, 1999.

The radical feminist view of sex as something to be engaged in for its own sake and not for ulterior purposes should certainly be amenable to restatement as a moral ideal, rather than an account of right and wrong in sex. Its additional advantage over the first two views of sex is that it is much more in tune with some important social and cultural developments in the last decades. Perhaps we can look forward to such a restatement. In this connection, I have only two closing remarks.

First, this ideal is by no means a feminist preserve; socialist and even liberal thinkers have advanced it too. It forms an important part of the depiction of a truly human society in the writings of Karl Marx and Friedrich Engels. According to Marx, in such a society money would no longer hold sway as “the universal whore, the universal pimp of men and peoples”. It would no longer be true that “[if] I am ugly, but . . . can buy the most beautiful woman, [that] means to say that I am not ugly, for the effect of ugliness, its repelling power, is destroyed by money” (Marx, 1984, p. 377, emphasis deleted). Accordingly, sexual attraction could only be exchanged for sexual attraction. Engels envisioned post-capitalist society as inhabited by “men who never in their lives have known what it is to buy a woman’s surrender with money or any other social instrument of power,” and women “who have never known what it is to give themselves to a man from any other considerations than real [sexual] love . . .” (Engels, 1985, p. 114). And Bertrand Russell based his case for far-reaching reform of sexual mores in part on “the ideal . . . that all sexual intercourse should spring from the free impulse of both parties, based upon mutual inclination and nothing else” (Russell, 1987, p. 154).

Second, although radical feminists profess not to see the difference between the personal and the political, it seems to me that they would be better off advancing this view of sex as a personal ideal, rather than an ideal that a society could hope to realize. Regrettable as it may be, the ideal society in which there is no need and no occasion for the use of sex as a means to an extrinsic purpose, and in which people have sex only out of mutual attraction, has no prospect of coming true in our world. For that would require a sort of sexual pre-established harmony, in which every sexual desire is met with a complementary desire, while no persons too unattractive to be sexually desired by others are around.

#### ACKNOWLEDGMENTS

An earlier, shorter version of this paper was read at the conference ‘Ethical Perspectives on Sex’, held at the Philosophy Programme, School of



Advanced Study, University of London, on January 28, 2000. I wish to thank Iddo Landau, who provided helpful comments on a draft of the paper; Piers Benn, who read a reply to it at the conference; all who took part in the discussion; and an anonymous referee for this journal, who provided helpful comments on the penultimate draft.

## REFERENCES

- Anscombe, G.E.M., Contraception and Chastity, in I. Primoratz (ed.), *Human Sexuality*. The International Research Library of Philosophy, vol. 19. Aldershot: Ashgate/Dartmouth, 1997, pp. 29–50.
- Archard, D., *Sexual Consent*. Boulder, CO: Westview Press, 1998.
- Benn, P., Is Sex Morally Special? *Journal of Applied Philosophy* 16(3) (1999), pp. 235–245.
- Chamallas, M., Consent, Equality, and the Legal Control of Sexual Conduct, *Southern California Law Review* 61(4) (1987/88), pp. 777–862.
- Engels, F., *The Origin of the Family, Private Property and the State*, trans. A. West, Harmondsworth: Penguin Books, 1985.
- Foa, P., What's Wrong with Rape, in M. Vetterling-Braggin et al. (eds.), *Feminism and Philosophy*. Totowa, NJ: Littlefield, Adams & Co., 1977, pp. 347–359.
- Geach, M., Marriage: Arguing to a First Principle in Sexual Ethics, in L. Gormally (ed.), *Moral Truth and Moral Tradition: Essays in Honour of Peter Geach and Elizabeth Anscombe*. Dublin: Four Courts Press, 1994, pp. 177–193.
- Geach, P., *The Virtues*. Cambridge: Cambridge University Press, 1977.
- MacKinnon, C.A., *Feminism Unmodified*. Cambridge, MA: Harvard University Press, 1987.
- MacKinnon, C.A., *Toward a Feminist Theory of the State*. Cambridge, MA: Harvard University Press, 1989.
- Mappes, T.A., Sexual Morality and the Concept of Using Another Person, in T.A. Mappes and J.S. Zembaty (eds.), *Social Ethics*, 4th Ed. New York: McGraw-Hill, Inc., 1992, pp. 203–216.
- Marx, K., *Early Writings*, trans. R. Livingstone and G. Benton. Harmondsworth: Penguin Books, 1984.
- Morgan, R., Theory and Practice: Pornography and Rape, in L. Lederer (ed.), *Take Back the Night: Women on Pornography*. New York: William Morrow & Co., 1980, pp. 134–140.
- Muehlenhard, C.L., and Schrag, J.L., Nonviolent Sexual Coercion, in C.L. Muehlenhard and J.L. Schrag (eds.), *Acquaintance Rape: The Hidden Crime*. New York: John Wiley, 1991, pp. 115–128.
- Priest, G., Sexual Perversion, *Australasian Journal of Philosophy* 75(3) (1997), pp. 360–372.
- Primoratz, I., *Ethics and Sex*. London and New York: Routledge, 1999.
- Russell, B., *On Ethics, Sex, and Marriage*, ed. A. Seckel. Buffalo, NY: Prometheus Books, 1987.
- Schulhofer, S.J., *Unwanted Sex: The Culture of Intimidation and the Failure of Law*. Cambridge, MA: Harvard University Press, 1998.

Scruton, R., *Sexual Desire: A Philosophical Investigation*. London: Weidenfeld & Nicolson, 1986.

*Department of Philosophy  
The Hebrew University  
Jerusalem 91905  
Israel*