

Essays in Philosophy

A Biannual Journal

Vol. 2 No. 2

Introduction

by

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Love and sex provide a fertile ground for philosophical inquiry, both conceptual analysis of the nature of love and sex and discussion of the many ethical issues that they raise. Moral issues arising from love include the permissibility of romantically loving more than one person at the same time (assuming that this is even possible) and the moral value of romantic love and friendship. Moral issues arising from sex vary from the most fundamental question—the one addressed by Alan Soble in his paper in this issue—of whether sex can be reconciled with respect for persons, to questions about the permissibility of sex in particular circumstances. Much current work in philosophy of love and sex concerns precisely such issues in applied ethics, for instance the topics addressed by the authors of four more papers in this collection—homosexuality, prostitution, relationships that cross power lines in academia, and the wrongness of rape and other sexual misdeeds. Other ethical issues about sex include the morality of casual sex, adultery and open marriage, sadomasochism, and pornography.

While philosophers since at least the time of Plato have discussed love and sex, it remains a relatively unexplored region of our discipline, in sharp contrast to such areas of applied ethics as medical and business ethics. Specialized journals are devoted to each of these and other branches of applied ethics and many philosophy departments enroll far more undergraduate students in such applied ethics courses than in any others. The visibility of the philosophy of love and sex is confined in the United States to a few anthologies and books that have appeared over the last two decades or so, a relatively small number of journal articles, meetings of the Society for the Philosophy of Sex and Love at American Philosophical Association meetings, and courses offered by a small percentage of departments.

The low profile of the philosophy of love and sex is surprising given the central role that love and sex play in most people's lives. The comparative rarity of courses in the area is doubtless explicable by market forces: philosophy departments are more likely to offer applied ethics courses that cater to vast numbers of students in pre-professional programs such as business and medicine. The relatively small number of journal articles on philosophy of love and sex may be due to editors' and referees' perception that the field has only marginal credibility as a legitimate branch of philosophy. It may also have a more mundane explanation: there might just be very few articles submitted on this area, or very few of sufficient quality. These two

explanations may be related: the perception that a field is considered marginal may deter philosophers from working in it. The fact that this young e-journal has attracted papers of such a high standard—certainly comparable to the level of papers in other areas of applied ethics that have been published in print journals—may reflect the difficulty of placing papers on the philosophy of love and sex in print journals.

However, our being able to publish six excellent papers is cause for celebration, not lamentation, by readers of this journal. Each one provides a significant advance on the existing literature and does so in a provocative, engaging manner. And I hope that this issue will, in a modest way, help to promote the cause of philosophy of love and sex. These six exemplars of philosophical analysis may attract new philosophers to the field, and their own writings may in turn increase its quality and visibility.

The six essays in this issue provide a good cross-section of current work in philosophy of love and sex. Reflecting the current trend, five of them deal with sexual ethics. A common theme in the first four papers is a challenge to widely held liberal views about sex or, in the case of Richter's paper, about a "zone of privacy" into which the government may not intrude. One important sub-area of the field that is not represented in this collection is analysis of the concept of romantic love. However, the sixth essay examines the nature of a different kind of love: love between friends. Following are brief introductory comments on each of the essays.

Alan Soble has arguably done more than anyone else to advance the field of philosophy of love and sex. His books, articles, and edited anthologies are required reading for serious students of the field. His paper in this collection, "Sexual Use and What to Do About It: Internalist and Externalist Sexual Ethics," is nothing less than a definitive discussion of the most fundamental question in sexual ethics: can we reconcile sex, in which we use another person's body for our own pleasure, with Kant's injunction to treat other people as ends in themselves and never only as means? Soble provides an invaluable typology of different solutions to what he calls "the sex problem," illustrating each approach by reference to the work of a contemporary philosopher. Perhaps the most surprising and intriguing of his conclusions is that well-known defenses of a liberal view on sex are untenable. He criticizes Alan Goldman's and Thomas Mappes' views that my using my partner sexually is fine as long as our sexual encounter involves, respectively, reciprocity and informed consent. Soble contends that arguments that sexual use is inherently wrong are not even addressed by the fact that the sexual use is mutual and fully voluntary. But this is not to say that Soble defends a conservative sexual ethic. On the contrary, in an extended discussion of the position that Martha Nussbaum defends in her article, "Objectification," Soble criticizes her view precisely because it entails that casual sex is automatically wrong. After these insightful objections to initially plausible solutions to "the sex problem," the reader thirsts for Soble's own positive account, but that is a task for another paper or book.

Yolanda Estes' "Moral Reflections on Prostitution" directly takes on the liberal view that prostitution is not inherently wrong, as long as it involves a fully voluntary transaction between two autonomous adults. Proponents of this view do not deny that this condition is often not met in the real world, in which many prostitutes are underage, ruthlessly exploited by pimps, or driven by powerful drug addictions. Their point remains that it is not *in principle* objectionable for a prostitute to sell her sexual services. The innovation of Estes' response to the liberal view is

her detailed account of the phenomenology of prostitution: the motives of the client and the prostitute, and the likely emotional consequences of their sexual encounters. In particular, she points out the contradictory desires of the client, who wants both a sex object who will satisfy his physical needs and a person in whom he can elicit genuine and spontaneous physical and even emotional responses. The prostitute is caught in a dilemma of her own: to keep her client happy, she has to pretend that she enjoys their sexual acts, but to preserve her own dignity, she tries to detach her emotions from what she is doing. The more successful she is at this detachment, the more difficulty she may experience in reintegrating her emotional responses when she engages in sex with genuine romantic partners. The upshot is that the client is likely to remain emotionally unsatisfied and the prostitute is likely to experience emotional difficulties in her own private sex life. Since this emotional harm to both prostitute and client is very likely to arise, to engage in this activity is problematic for both parties from both a Kantian and a utilitarian perspective.

Another widely held liberal view is that the government has no right to interfere with harmless self-regarding actions on the ground of their alleged immorality, as long as they are performed in private. Hart, in his celebrated debate with Devlin, is the best-known proponent of this view, which Feinberg has more recently defended in *Harmless Immoralities*. Duncan J. Richter, in his essay “Social Integrity and ‘Private Immorality’: The Hart-Devlin Debate Reconsidered,” challenges this liberal orthodoxy and defends a more charitable, communitarian version of Devlin’s legal moralism than the one that Hart criticizes. Richter agrees with Hart that society will not be destroyed if it tolerates behavior that the majority considers immoral. He argues, however, that people in a society that is not united by certain core values will be unable to flourish. And cannibalism, necrophilia, bestiality, or other practices that are almost universally abhorred would constitute such a threat to these shared values that they should not be protected from governmental interference by a “zone of privacy.” However, having granted Devlin his crucial premise that legal moralism is sometimes justified, Richter proceeds to argue that homosexuality is *not* the kind of alleged immorality that warrants legal restrictions. Gay people who are legally punished for expressing their sexuality are prevented from flourishing in a more serious way than are people who are offended by gays in a society that tolerates homosexuality. So even a charitable reading of Devlin’s view does not support his argument for prosecuting homosexual behavior.

While condemnation of sexual harassment and quid pro quo offers by faculty members to students is almost universal, a liberal attitude toward relationships would see nothing objectionable in a voluntary sexual relationship between a professor and a college student. Deirdre Golash’s paper, “Power, Sex and Friendship in Academia,” challenges this liberal view. However, her reasons for doing so are themselves quite acceptable to liberals. Her main concern is that the student, no matter how much the professor assures her that her decision on whether or not to enter a sexual relationship with the professor will have no impact on her grade in the class, will be unable to make a fully voluntary decision to accept the professor’s advances. Because of the huge power differential, frank communication will be difficult and the student will always fear that refusing the offer will jeopardize her academic future. And the same difficulties in communication will prevent the professor from being certain that his offer has been accepted out of genuine desire, rather than out of fear of retaliation should she decline. Golash

also opposes sexual relationships between professors and students on the further ground that they present professors with a conflict of interest that compromises the integrity of their grades and other evaluations of the students with whom they are involved. However, she disagrees with Peter Markie's argument that the same considerations also rule out faculty-student friendships, since Golash argues that sexual relationships are considerably more fraught with danger than friendships. An interesting question is how Golash's position would apply to an intermediate case: romantic but non-sexual relationships between professors and students.

The wrongness of rape seems self-evident, but philosophers have differed as to how we should understand the nature of rape. The starting point of Mark Cowling's paper, "Rape, and Other Sexual Assaults: Towards a Philosophical Analysis," is the wide discrepancy between the relatively small number of rapes that are reported each year and, on the other hand, survey results indicating that nearly one half of all women suffer from a sexual assault. He proposes a definition of rape that makes sense of this discrepancy and then proceeds to analyze the precise nature of the moral wrong that rapists commit. Using the minimal definition of rape as "sex without the consent of the victim," Cowling suggests that one reason for the inflated rape statistics reported in surveys may be the conflation of rape with "altruistic sex," that is, sex performed, not out of sexual desire, but in order to please a partner. Such "unwanted but consenting sex" may be quite common, but it does not meet the definition of rape as nonconsensual sex. Cowling argues that the best way to analyze the harm caused by rape is as a violation of sexual self-determination that causes great distress to the victim. Rather than trying to fit all sexual experiences into the binary rape/not rape categories, he suggests that we should regard rape as one among many sexual offenses, all of which impose varying degrees of harm on the victim. On this view, sexual harassment, threats to spread harmful rumors, coercive offers, emotional pressure, and the use or threat of physical force are all immoral means to obtain sex without a person's fully voluntary consent. Rape is typically the most serious violation of sexual autonomy and deserves the heaviest penalty, but we also need to recognize and punish lesser violations according to the degree of distress that they cause.

The final paper in this collection, Andrew Mitchell's "Friendship Amongst the Self-Sufficient: Epicurus," shows that high quality historical scholarship has an important place in philosophy of love and sex. Whereas the five other essays in this volume address ethical issues, Mitchell's primary concern is with the nature of friendship. However, his analysis also sheds light on the moral value of friendship. He contrasts Epicurus' account of friendship with those of Aristotle and the Stoics, both of which (in different ways) make the mistake of basing friendship on utility and sameness between the friends. Requiring sameness before friendship can occur denies us of one of the greatest benefits of friendship, namely expanding our "horizons of understanding" and being introduced to "differences of culture, class, or race." And tying friendship to utility diminishes the fulfillment that we gain from it, since "[a]n inverse relation would seem to pertain between pleasure and utility." Mitchell presents instead a very appealing reading of Epicurus' account of friendship. Given the centrality of self-sufficiency to Epicurus' ethics, the best type of friendship is entered freely, not out of necessity. However, the act of befriending someone threatens that very self-sufficiency, since I may come to need that friend, she too may come to need me and, worse yet, she may exploit me for her own purposes. Friendship thus requires mutual *trust*, since it involves risking the self-sufficiency on which

Epicurus places such importance. (While this is not a thesis that Mitchell defends, this mutual trust is arguably one reason why friendship has inherent moral value.) Happily, though, the person who is willing to run this risk by entering friendships has attained the highest level of self-sufficiency.

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