Sex

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Abstract
The sexual domain is unified only by the phenomenal quality of the occurrence of the desires, activities, and pleasures it includes. There is no conceptual restriction on the range of intentional objects those desires, activities, and pleasures can take. Neither is there good conceptual reason to privilege any class of them as paradigmatic. Since the quality unifying the sexual is not morally significant, the morality of sexuality is no different from morality in general. The view that participant consent is morally sufficient in the sexual domain therefore requires the more controversial view that it is morally sufficient in general.

Universal participant consent is usually understood to be necessary for moral acceptability in the sexual domain. Over the last few decades, many liberal thinkers have endorsed the stronger claim that such consent is morally sufficient, a view that is influential in our culture at large and is often expressed by saying that what goes on between consenting adults behind closed doors is nobody else's concern. The aim of this paper is to argue that since sex is distinguished from the rest of our lives only by the phenomenal quality of the occurrence of sexual desire, activity, and pleasure, and this quality is morally irrelevant, the sexual aspect of our lives must be governed by the same moral principles as govern the rest of our lives and in the same way. If universal participant consent is to be morally sufficient in the sexual domain, then this can only be because it is morally sufficient in general, and showing this to be the case would require very substantial argumentation.

I

How might one support the view that consent is morally sufficient in the sexual domain? Igor Primoratz argues that consent 'is considered morally decisive over a wide range of action' and that there is nothing special about sex that would justify treating it differently.[1] This

[1] Igor Primoratz, 'Sexual Morality: Is Consent Enough?', *Ethical Theory and Moral Practice* **4** (2001), 201-218.

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general claim might seem somewhat odd. Moral discourse involves many considerations other than participant consent, it might be objected, without which there would be no room for moral debate over such consenting activities as recreational drug use or voluntary euthanasia. But the notion of consent admits of varying degrees of specification, so we might be able to subsume all of our moral concerns about well-being and autonomy under a sufficiently rich conception of consent or under a range of domain-specific conceptions of consent.[2] Thus we can understand Primoratz to be claiming that all the moral commitments properly applicable to any given issue can be subsumed under some notion of consent, and perhaps further that a single notion of consent can be formulated to cover all moral issues.

Articulating the conception or conceptions of consent indicated by this view, however, would be an immense undertaking and defending the claim that this encompasses all our moral commitments would be larger still. The viability of such a project can hardly be presumed at the outset of a discussion of sexual morality. Yet all that Primoratz says in its defence is that consent 'makes all the difference between murder and voluntary euthanasia, between battery and sport, and between theft and gift'.[3] These considerations do not all even illustrate the point he is making: although consent does differentiate murder from voluntary euthanasia, it is far from obvious that we could specify a notion of consent that legitimates killing. The idea that consent is sufficient for moral acceptability in the sexual realm cannot be justified by this more general claim in the absence of much more careful discussion of that general claim.

Rather than undertake this task, the notion that consent is morally sufficient in this domain might be supported by a positive characterisation of the nature of sex, just as traditional natural law ethics grounds sexual morality in a claim about the relation between sex and procreation.[4] We might have reason to think, that is to say, that sex is morally special in such a way that some form of consent is morally sufficient in this domain regardless of whether the same form of consent or other forms of consent are morally sufficient

[2] See, for example: Alan Wertheimer, 'Consent and Sexual Relations', *Legal Theory* **2** (1996), 89-112, §§ 1-3; David Archard, *Sexual Consent* (Boulder CO: Westview, 1998), esp. chs. 3-5.

[3] Primoratz, 'Sexual Morality: Is Consent Enough?', 201.

[4] See, for example, Elizabeth Anscombe, *Contraception and Chastity*, with sub-headings by Mary Gormally (London: Catholic Truth Society, 2003; first published 1975).

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elsewhere. Such a reason must derive from the very nature of sex itself or from the role it plays in our lives. The facts that ground this reason, however, need not be unique to sex: they simply need to show that those of our general moral concerns that apply in this domain are all subsumed under some robust notion of consent in this domain, regardless of how they apply elsewhere.

Medical ethics provides an illuminating parallel. It has been argued that health care is morally important in ways that justify the principle that its benefits should be allocated entirely independently of the distribution of other social goods. This is often summarised by saying that health care is morally special. Such a view does not require that health care involves special moral principles independent of general moral principles, only that some fact about health care means that those general principles apply to it in a certain way irrespective of whether they apply the same way in other areas of life. Perhaps the role health plays in our pursuit of other goods justifies according equality a role in the distribution of health care that is more significant than the role we typically allow or should allow it in the rest of our moral decision making, for example.[5] Neither does such a view require that the relevant fact is unique to health care. It is quite compatible with the view that education, for example, is special in the same way and for the same reason.

Once we have clarified the nature of the sexual domain, we are in a position to see the role it plays in our lives, and then to see whether some form of consent is always morally sufficient in that domain. Such clarification would also delimit the scope of sexual morality, moreover. For it seems that sexual morality cannot simply be the morality of sexual desires and acts if participant consent is to be morally sufficient within sexual morality. This is because a sexual act that is fully consented to by its participants might yet be a moral transgression, such as when one participant fails to respect an agreement to mutual sexual exclusivity with someone else. Were we to try to understand this as a failure of consent, we would have two options. One is to build into the notion of consent the restriction that it can be given only by someone who is not morally obliged to refrain from consenting. The other is to say that it is not only participant consent that matters, but the consent of participants and anyone standing in some relevant relation to them. Neither option is attractive. The first casts unfaithful participants as not consenting, which

[5] For a recent critical discussion of this view, see Schlomi Segall, 'Is Health Care (Still) Special?', *The Journal of Political Philosophy* **15** (2007), 342-361.

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not only abandons the idea that anyone who has not consented has therefore been wronged, but also requires us to hold someone responsible for something they did not consent to do. The second rules out morally acceptable infidelity, as when the unfaithful partner is in the midst of leaving an unhappy and destructive relationship, and conversely downplays the moral seriousness of engaging in sexual activity with someone who does not consent.

Subsuming all sexual morality under consent without diluting the importance of participant consent therefore requires that we restrict sexual morality in such a way that infidelity is not a sexual transgression but simply an instance of breaking an agreement, promise, or contract. This requires us to see sexual morality as governing sexual desire, activity, and pleasure qua *sexual* desire, activity, and pleasure, and infidelity to be wrong, when it is wrong, for reasons that are independent of its sexual aspect. Our clarification of the sexual domain will show that the sexual nature of infidelity is indeed irrelevant to its moral status. But this will do nothing to defend the view that sexual morality can be subsumed under some notion of consent, since the argument showing the sexual nature of infidelity to be morally insignificant is a general argument concluding that the sexual nature of a desire, activity, or pleasure is always irrelevant to its moral assessment. There is therefore nothing special about sex that might ground the claim that some notion of consent subsumes all of our proper moral concerns in this area independently of whether they can be so subsumed elsewhere in our lives. Sex is not morally special.

II

One approach to defining the sexual domain has been to identify a paradigm that all instances of sex either embody or fall short of. This way of thinking about sex has yielded very subtle and insightful discussions over the last few decades, but we will see that it is not really justified. These discussions are influenced by two key aspects of Jean-Paul Sartre's famous analysis of sexual relations in *Being and Nothingness*: they adopt his aim of describing paradigmatic sex, and their resulting accounts build upon his notion of 'double reciprocal incarnation'. Sartre is often read as holding that sex is necessarily aimed at subjugation and is inevitably frustrated, but this has not formed part of the recent approach to understanding the paradigm of sex.[6]

[6] Jean-Paul Sartre, *Being and Nothingness: An Essay in Phenomenological Ontology*, translated by Hazel E. Barnes (revised edition,

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Thomas Nagel adopts this approach. Paradigmatic sexual desire, he argues, is 'a desire that one's partner be aroused by the recognition of one's desire that he or she be aroused', a desire whose satisfaction can lead to further arousal, the recognition of which might arouse one's partner further, and so on in an ever deepening complex of mutual arousal. This is not simply something that 'sexual immersion in the body' has an 'ability' to be like, but is rather 'the basic framework of any full-fledged sexual relation'.[7] Anything that deviates from this model by manifesting a 'truncated or incomplete version of the complete configuration' is to be classed as a 'perversion': narcissism, bestiality, sadism, and masochism are perversions because they cannot aim for the erotic interaction of mutual arousal, though this notion of perversion does not itself carry any moral weight.[8]

Robert Solomon criticises this account for providing only 'an outline of the grammar' of sexual interaction 'but no semantics': rightly wanting to retain Sartre's model of sexuality as communicative while rejecting the idea that possession and degradation are the message communicated, an idea that Solomon claims 'would be enough to keep us out of bed for a month', Nagel has overlooked the messages paradigmatic sex conveys. Sexual activity involves an 'essentially expressive' body language with 'its own phonetics of touch and movement', though 'its content is limited to interpersonal attitudes – shyness, domination, fear, submissiveness and dependence, love or hatred or indifference, lack of confidence and embarrassment, shame, jealousy, possessiveness'.[9] This allows us to distinguish two classes of perversion: bestiality is a perversion of the form of sex, since one cannot communicate with a nonhuman animal this way; pretending affection and tenderness through sexual behaviour is a perversion of content, since one's body language is not expressing genuine feelings. Solomon agrees with Nagel, moreover, that 'perverse sex is not

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London: Routledge, 2003), §§ III.3.I-II. The phrase 'double reciprocal incarnation' occurs on 413. For an argument against taking this, and indeed Sartre's general picture of interpersonal relations, in the usual gloomy way, see my book *The Existentialism of Jean-Paul Sartre* (Routledge Studies in Twentieth-Century Philosophy, 2009), esp. ch. 9.

[7] Thomas Nagel, 'Sexual Perversion', *The Journal of Philosophy* **67** (1969), 5-17, 12-13.

[8] Nagel, 'Sexual Perversion', 13-17.

[9] Robert Solomon, 'Sexual Paradigms', *The Journal of Philosophy* **71** (1974), 336-345, 342-3.

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necessarily bad or immoral sex', but also points out that false sexual communication, like false communication generally, is 'potentially vicious'.[10]

Roger Scruton develops a richer account of paradigmatic sex, according to which 'sexual desire is itself inherently "nuptial": it involves concentration upon the embodied existence of the other, leading through tenderness to the "vow" of erotic love'.[11] Although marriage vows are social institutions, they are the culmination of the natural progression of sexual desire. The sexual arousal in which paradigmatic sexual desire begins is focused not on a human body as such but on some particular person in their physical embodiment. Arousal and desire both involve 'inherently individualising intentionality' and naturally progress through sexual intimacy, which Scruton describes as the goal of 'the unveiling gestures of love-making' and 'the point to which desire naturally leads, by its own devices', ultimately reaching the 'commitment founded in the mutuality of desire' that is exclusive erotic love.[12]

Perversion, on this view, 'consists precisely in a diverting of the sexual impulse from its interpersonal goal, or towards some act that is intrinsically destructive of personal relations and of the values that we find in them'.[13] Acts that are intrinsically destructive of personal relations seem obviously morally condemnable, but Scruton adds two further claims to license general moral condemnation of perversion: the 'human person is a human artefact, the product of the social interaction which he also produces', interaction to which paradigmatic sexual desire is central; and sexually perverse activities erode our capacity for paradigmatic sexual desire. The crucial yet fragile role of sex in our existence makes it morally special in such a way that justifies most of the restrictions of traditional sexual morality: 'we have every reason to fear the corruption of desire', which can be 'poisoned by the sense of the expendability and replaceability of the other', since 'widespread loss or perversion of this characteristic involves a threat to the human person'.[14]

[10] Solomon, 'Sexual Paradigms', 344-5.

[11] Roger Scruton, *Sexual Desire: A Philosophical Investigation* (London: Weidenfeld & Nicolson, 1986), 339.

[12] Scruton, *Sexual Desire*, 82, 92; see also chs. 2, 4, and 8, esp. 241-51.

[13] Scruton, *Sexual Desire*, 343; see also ch. 10.

[14] Scruton, *Sexual Desire*, 288, 346, 349.

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III

Were we to adopt Scruton's account of sex while rejecting his views on personhood and the corruption of desire, or were we to adopt Nagel's or Solomon's conception of sex, then we might well argue that sex is morally special in such a way that makes some form of consent sufficient for moral acceptability in this domain. But we should not accept such accounts of sex, since there is no good reason to privilege one kind of sexual desire, activity, or pleasure as paradigmatic. To see why, consider first the idea that these accounts are far too narrow. Primoratz criticises Solomon's account for overlooking the enjoyment people take in meaningless sex with strangers or prostitutes, as 'oddly out of touch' with those who 'go to sex-shows, resort to prostitutes, or peruse pornography', and as 'equally out of touch' with the 'sexual experience of pre-literature cultures'.[15] This criticism is misplaced: Nagel, Solomon, and Scruton do not present their paradigms as inclusive of all sexual activity or as primitive in individual or social development.[16] They hold only that non-paradigmatic sex is, in Nagel's words, 'truncated or incomplete'.

Herein lies the real problem: what does it mean to say that some desire or activity falls short of the paradigm? Solo masturbation, it seems, cannot be communicative. In which case, all it can share with any of these paradigms is sexual arousal, excitement, and pleasure. But if there are such common ingredients in all sexual desires and activities, why not allow them to define the sexual? One response would be to claim that solo masturbation is an incomplete form of paradigmatic sex after all, because it involves merely imagining sexual interaction, a view Solomon summarises in the slogan 'no masturbation without representation'.[17] For this strategy to work, it would have to cover all sexual arousal, excitement, and pleasure.

Some of the more exotic aspects of human sexuality certainly do not seem to involve imagining a partner. Fetishists gain sexual pleasure from contact with specific objects, such as shoes, or materials, such as rubber. Kleptophilia is the sexual enjoyment of theft,

[15] Igor Primoratz, *Ethics and Sex* (London: Routledge, 1999), 28; see also 40.

[16] Scruton emphatically describes paradigmatic sex as an achievement of civilisation: *Sexual Desire*, 346-61; compare Primoratz, *Ethics and Sex*, 27.

[17] Solomon, 'Sexual Paradigms', 343.

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usually shoplifting. Melolagnia is sexual enjoyment of music.[18] It is far from obvious that bestiality requires the pretence that the animal involved is a person, or that the activity arouses some human witness, and indeed it is not even clear whether masturbation does require representation. The idea that all sexual activity falls short of interpersonal communication in any stronger sense than that it involves sexual arousal, excitement, and pleasure, therefore, is a substantial speculation that would require much empirical support. In the absence of such support, what does motivate the view that sex is paradigmatically communicative?

Nagel is most explicit. 'There is something to be learned about sex from the fact that we possess a concept of sexual perversion', he writes.[19] Analysing the concept of perversion will, he thinks, allow us to understand the paradigm from which it departs. For this approach to be acceptable, however, the concept of perversion must track the contours of some aspect of our sexual experience. If the concept is an artefact of a moral theory that happens to have been dominant in our culture, then analysing that concept will reveal only the shape of that theory. Initial evidence that the concept is indeed a theoretical artefact is provided by its almost total disappearance from intellectual discussion over the past few decades. Indeed, it now seems somewhat quaint and even downright curious that these philosophers should have made it central.

Further evidence is given by considering the traditional extension of the concept. It is not simply a term for sexual activities of which society disapproves, as Nagel points out, since adultery is not usually classified as a perversion.[20] Graham Priest suggests that it is 'using sex for something other than its proper end' of procreation, but this cannot be right, as he himself points out, since heterosexual intercourse during the infertile period of the menstrual cycle is not traditionally considered perverted.[21] The key to the concept of perversion, however, is not *misuse* but *redirection*: perverting the course of justice or a river is turning it away from the course it would have taken had it been left alone; sexual perversion is diverting sexuality from its natural course, or 'monkeying around with the organs of

[18] Brenda Love (ed), *The Encyclopedia of Unusual Sex Practices* (Fort Lee NJ: Barricade Books, 1992), s.v. 'Fetishism', 'Kleptophilia', and 'Acousticophilia'.

[19] Nagel, 'Sexual Perversion', 5.

[20] Nagel, 'Sexual Perversion', 6.

[21] Graham Priest, 'Sexual Perversion', *Australasian Journal of Philosophy* **75** (1997), 360-372, 363-4.

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intercourse or the act itself' as Anscombe so memorably put it.[22] Infertility does not direct heterosexual intercourse away from a course towards procreation. Understanding paedophilia, bestiality, sado-masochism, or homosexuality as perverse, however, does involve seeing these as redirecting sexuality away from its natural path of adult intra-species heterosexual intercourse.

Analysing the concept of perversion as a means to understanding sex, therefore, puts the cart before the horse: that concept is parasitic on the view that sex has a natural teleology, a view that has been very influential in the history of our society. One might as well argue that our concept of fornication shows sex to be paradigmatically marital. Without support from the analysis of perversion, moreover, there seems no justification for privileging any kind of sex – procreative, communicative, or any other – as paradigmatic. It might be thought that if the concepts of perversion and fornication are products of a particular moral outlook, then the same might be true of the concept of sex, but we will see that this concept rather has its roots in our own experience.

IV

Some philosophers have argued that the pleasure gained from stimulating the sexual organs unifies the category of the sexual. Primoratz, for example, defines sex as 'activity that tends to fulfil sexual desire' and sexual desire as 'the desire for certain bodily pleasures', claiming that these bodily pleasures include 'pleasures experienced in the sexual parts of the body' and pleasures that can be 'associated with arousal', such as the pleasure of kissing.[23] Sexual activity, on this view, is activity of a type that tends to fulfil desire for the kinds of pleasures that are or can be associated with arousal. He also suggests a stronger definition when he argues that copulation that does not involve this pleasure, such as the work of the prostitute, should not be classified as sexual despite being a kind of activity usually accompanied by sexual pleasure.[24] We will see that neither version of this view is acceptable.

The approach has been criticised for assuming that sexual desire and sexual pleasure do not vary in character across the range of human sexuality. Although solo masturbation and certain other activities are often aimed at fulfilling desires for a certain physical

[22] Anscombe, *Contraception and Chastity*, 28; see also 24-5.
[23] Primoratz, *Ethics and Sex*, 46.
[24] Primoratz, *Ethics and Sex*, 48-9.

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pleasure, the argument runs, this should not be generalised to all sexual desire and activity.[25] Alan Soble has recently responded with an argument for this generalisation: the view that 'sexual desire is the desire for certain pleasurable sensations' allows us to 'distinguish sharply between the instinctual, paired sexuality of animals and the endlessly varied behaviours of human sexuality' and can help to 'explain the etiology of our sexual preferences'.[26] Human sexual variety should be understood as the range of ways that individuals with different constitutions and environments have found can fulfil the same basic desire for certain physical pleasures.

Rockney Jacobsen presents a similar picture, except that he takes the central concept to be arousal rather than pleasure. What makes a desire sexual, on this view, is that the desired object is taken to be something that will 'initiate, heighten, sustain, or assuage states of sexual arousal'.[27] This is not to say that the object of sexual desire is the state of arousal or its satiation, but rather that one can have a sexual desire for just about anything that one understands to have the right effect on one's arousal. This arousal should be understood in terms of certain physiological processes in the reproductive organs. We could then add that sexual activity is activity aimed at initiating, heightening, sustaining, or assuaging sexual arousal, and that sexual pleasure is pleasure taken in such activity. Sexual variety can be seen as the range of ways in which people have found that, given their constitution and context, they can bring about such effects on their states of arousal.

Such accounts of sexual desire, however, do not have the explanatory advantage Soble describes, since the people and activities we desire are not substitutable means to an end of sexual enjoyment. This is not to say that these theories render our desires for sexual encounters with specific people mysterious when we could achieve the same pleasure by masturbation, as Solomon and Scruton seem to think, since it could simply be that we like to combine sexual pleasure with the pleasure of intimacy.[28] The point is rather that the sexual pleasure of intercourse with that special someone is partly

[25] Seiriol Morgan, 'Sex in the Head', *Journal of Applied Philosophy* **20** (2003), 1-16, 4-5.

[26] Alan Soble, 'Masturbation, Again', in *The Philosophy of Sex: Contemporary Readings*, edited by Alan Soble and Nicholas Power (fifth edition, Lanham: Rowman and Littlefield, 2008), 94. Compare Primoratz, *Ethics and Sex*, 27.

[27] Rockney Jacobsen, 'Arousal and the Ends of Desire', *Philosophy and Phenomenological Research* **53** (1993), 617-632, 629.

[28] Solomon, 'Sexual Paradigms', 343; Scruton, *Sexual Desire*, 75.

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determined, in its very nature, by the significance of engaging in this activity with this person; the phenomenal character of this pleasure is not a distinct end to which the activity was merely a means.

Although it may be that much sexual activity occurs for the sake of sexual pleasure or its effects on arousal, moreover, it does not follow that this is sexually desired. Desires should be distinguished from reasons for acting on them. One recent study has isolated no fewer than two hundred and thirty-seven distinct reasons why people engage in sexual intercourse, ranging from wanting to raise one's social status to wanting to break up a rival's marriage, and from the pursuit of enjoyment to the feeling of obligation.[29] People having sex for these reasons need not *sexually desire* the raising of their social status or the discharging of their felt obligations rather than just a certain activity, person, or combination thereof. Any reason one has for acting on a sexual desire can itself be specified in terms of something one desires, of course, but it doesn't follow that this second desire is itself sexual.

V

Seiriol Morgan has proposed an account of the sexual nature of sexual desires, activities, and pleasures that aims to respect their variety while uniting them by their involvement of a basic bodily pleasure. Although sexual desires can be desires for this basic pleasure itself, they can also be desires for something richer: this pleasure suffused with the significance of the activity generating it. The basic physical aspect of sexual desire mixes with this significance not in the way that salt mixes with pepper, but in the way that flour mixes with water; the result is admixture, not juxtaposition. Sexual desires thus form a continuum, their objects ranging from simple physical pleasure through an increasing complexity of significance mixed with it.[30] Any slice of the continuum is as broad as there are varieties of significance of that complexity, which has no obvious upper limit.

Morgan illustrates his theory with the example of the Vicomte de Valmont in the novel *Dangerous Liaisons*.[31] Valmont aims to sleep

[29] Cindy Meston and David Buss, 'Why Humans Have Sex', *Archives of Sexual Behaviour* **36** (2007), 477-507.

[30] Seiriol Morgan, 'Dark Desires', *Ethical Theory and Moral Practice* **6** (2003), 377-410; see esp. 379-80; see also Morgan, 'Sex in the Head', 6-7.

[31] Pierre Choderlos de Laclos, *Dangerous Liaisons*, translated by Helen Constantine (London: Penguin, 2007). Various film adaptations have been

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with Madame de Tourvel, who has built her social reputation around her chastity. It is not just the charms of the woman herself that attract him, nor these along with the challenge of conquest. His central motivation is the prospect of being the cause of her social downfall and her consequent anguish and remorse. This prospect provides his sexual desire and the pleasure he will get from its satisfaction with their peculiar phenomenal characters. This desire is unlike those involved in his other sexual adventures, this pleasure cannot be had from those encounters. Morgan encapsulates this idea by saying that Valmont's desire to cause this woman anguish and remorse has become *eroticised*.[32]

This notion of eroticisation, however, is not enough to tell us precisely what it is about Valmont's desire to humiliate Tourvel that makes it sexual. That his sexual enjoyment of sex with her will be suffused with the significance this has for his desire to humiliate her is not sufficient for the desire to humiliate her to be a sexual desire. We can imagine a version of the story in which the thought of humiliating her sexually excites him even in the absence of any thought of sex with her and we can equally imagine a version in which it does not. Only in the first version does he have a sexual desire to humiliate her. He could have this sexual desire even if her humiliation did not involve any sexual activity: we can imagine a version of the story in which he becomes sexually excited by the prospect of revealing some terrible secret of hers.

Andrea Dworkin makes a similar point in her account of the relation between sexuality and misogyny in our culture. Not only is much male sexuality imbued with possession and domination of women, but conversely these aspects of 'male supremacy' have become imbued with a sexual character. 'The passion for hurting women is a sexual passion', she writes, 'and sexual hatred of women can be expressed without intercourse'; 'the hatred of women is a source of sexual pleasure for men in its own right'.[33] Whether or not Dworkin is right about sexuality in our culture is not to the point here. What is important is that her claim that misogyny can itself take on a sexual character is not conceptually confused. Our concept of the sexual nature of sexual desire,

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made of this novel, arguably the best of which is: *Dangerous Liaisons*, directed by Stephen Frears, screenplay by Christopher Hampton (Lorimar Film Entertainment: 1988).

[32] Morgan, 'Dark Desires', esp. 382.

[33] Andrea Dworkin, *Intercourse* (London: Secker and Warburg, 1987), 175-6.

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activity, and pleasure does allow us to understand activities and pleasures as sexual in the absence of any bodily sexual stimulation and to understand desires as sexual regardless of what they are desires for.

Morgan, on the other hand, claims that in sexual desire 'what we desire has an essentially bodily element'.[34] Sexual desire arises from 'a brute animal appetite for the pleasure produced by sexual contact with other human beings', yet 'because we are self-conscious and things have significance for us, the pleasure we experience in sexual activity can develop a character more complex than that of mere appetite'.[35] Although our capacity for sexual desire and pleasure has evolved from the animal sexual appetite of our forebears, however, it does not follow that all such desire includes that appetite as an ingredient. Perhaps our evolution has provided us with the neural and biochemical wherewithal for any desire or pleasure whatever to have a recognisably sexual character. This is a matter for empirical psychology, but some of the more exotic aspects of human sexuality do suggest that bodily sexual stimulation need not be an ingredient in the object of sexual desire. To the examples of kleptophilia and melolagnia mentioned earlier, we might add salirophilia: the sexual enjoyment of tasting perspiration.[36]

Perhaps such desires can become sexual only by being related in certain ways to desires whose objects include bodily sexual stimulation as an ingredient, which we could fairly describe as becoming eroticised. But it is for empirical psychology to determine whether this is so and what the relevant relations would be. Answering that question, moreover, would not provide us with what we are looking for. Although one could identify the extension of the concept of sexual desire as those desires whose objects include physical sexual pleasure as an ingredient plus those related to them in such a way as to have become eroticised, doing so would not identify any common characteristic of sexual desires. It would explain how desires whose objects do not involve erotic stimulation *become* sexual desires without explaining what it is for them to *be* sexual desires. If it turns out that we cannot identify any common factor unifying the sexual domain, then we should settle for such a definition. But our consideration of the example of Valmont and of the exotic practices suggests that do we intuitively understand the sexual

[34] Morgan, 'Sex in the Head', 11.
[35] Morgan, 'Dark Desires', 380.
[36] Love (ed), *The Encyclopedia of Unusual Sex Practices*, s.v. 'Salirophilia'.

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nature of sexual desire, activity, and pleasure in terms of something they have in common.

VI

We should take our cue from an insightful aspect of Alan Goldman's account of the nature of sex that is usually overlooked in discussions of it. Goldman shares with Nagel, Solomon, and Scruton the aim of understanding sex in terms of a paradigm and perversions of it, and agrees with Nagel and Solomon that perversion is morally neutral. The paradigm or 'normal' sexual desire, he argues, is 'desire for physical contact with another person', where this is someone in particular and therefore the desire 'is not a desire for a particular sensation detachable from its causal context, a sensation which can be derived in other ways'.[37] What is interesting for our purposes is the reason Goldman gives for classifying non-paradigmatic sexual desires as sexual: that their occurrence is accompanied by physical sexual effects 'such as erection in males'; perverted desires are 'abnormal desires with sexual effects upon their subject'.[38] Goldman therefore understands there to be a common factor unifying sexual desires and activities: *their occurrence* involves such physical sexual events as genital arousal. If he is right in this, then our concept of the sexual nature of some desires, activities, and pleasures does indeed track an aspect of our experience even though their intentional objects need have nothing in common. So why not accept as necessary and sufficient for a desire, activity, or pleasure to count as sexual that its occurrence involves such arousal?

There are two reasons why Goldman does not accept this. One is his commitment to analysing the concept of perversion in order to understand paradigmatic sex, an approach that we have seen to be mistaken. The other is that sexual arousal and excitement 'do not always occur in activities that are properly characterised as sexual,

[37] Alan Goldman, 'Plain Sex', *Philosophy and Public Affairs* **6** (1977), 267-287, 268-9.

[38] Goldman, 'Plain Sex', 284-5. The point is obscured somewhat by Goldman also describing 'abnormal' sexual desires as those desires that have 'the typical physical sexual effects upon the individual who satisfies them' (284): taken on its own, this phrase could refer *either* to the individual satisfying the description or predicate 'possessing such a desire' *or* to the individual acting to satisfy those desires; from the context, I take Goldman to have intended the former of these meanings.

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say, kissing for the pleasure of it'.[39] It could be replied that such activities count as sexual only in an extended sense: kissing that expresses desire for sexual intimacy might be counted as sexual. But this response would miss something in common between some activities that do not involve genital arousal and those that do. This is a specific phenomenal quality that generally accompanies such arousal, but can be present without it, and which can be present in greater or lesser degrees of intensity: a feeling at its most intense during orgasm, after which it fades, usually outlasting arousal as it does so.

Our concept of sexual desire, sexual activity, and sexual pleasure should be understood as tracking this phenomenal quality. Although this quality supervenes on certain chemical cocktails coursing through the body, we can distinguish the feeling itself from the underlying chemistry: we can wonder whether creatures with very different bodies could have the same feeling. We should say that kissing counts as sexual when the experience of it, or even just the occurrence of the desire for it, has this phenomenal character, however faintly, and is not sexual otherwise, except perhaps in the extended sense mentioned earlier. Our intuitive understanding that a desire to reveal someone's embarrassing secret can be a sexual desire is based on our understanding that its occurrence can involve this quality. Kleptophilia is easily distinguished from kleptomania because we understand that the enjoyment of theft can have or lack this quality. And it is because this quality is also present in such experiences as sexual frisson, sexual excitement, sexual arousal, and perhaps also the release of sexual tension, that we intuitively classify these as having something in common with sexual desire, activity, and pleasure.

Accepting this proposal does not commit us to the idea that some aspects of the mind are *irreducibly* qualitative. Although we could understand this phenomenal quality as a quale or cluster of qualia, we could equally agree with those who deny that there are any such non-representational aspects of mind and insist that our experience consists wholly of representational content. Perhaps this peculiar phenomenal quality has its own characteristic representational content, or perhaps it is better understood as a particular kind of distortion in other representational contents. Neither need we take sides in the dispute over whether the content of experience is partly non-conceptual or wholly conceptual. We can understand our concept

[39] Goldman, 'Plain Sex', 284.

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of sexual experience to track this quality irrespective of how the quality should itself be analysed.

In doing so, we should retain Morgan's insight that this quality occurs not as a sensation separable from its context, but rather as an integrated aspect of an overall experience intentionally directed towards the object of desire. We should also retain his image of a continuum ranging from simple sexual feeling through increasing complexity of significance mixed with it. But we should understand this as a continuum not of the possible *objects* of sexual desire, but of the possible *experiences* of sexual desire, arousal, frisson, excitement, activity, pleasure, and perhaps also release. The sexual is indeed incredibly varied: there is no conceptual restriction at all on its possible objects.

VII

Sex is not morally special. For how could a phenomenal quality make any moral difference? Valmont's desire to humiliate Tourvel, destroying her serene and successful life and bringing her torment, anguish, and regret, is morally reprehensible. It makes no difference whether his experience of that desire and the pleasure of its fulfilment had a sexual phenomenal character. The fact that thoughts of humiliation enhance his sexual enjoyment of intercourse with this woman is obviously relevant to the moral assessment of his sex life, but does not seem relevant to the moral assessment of those thoughts or the desire they express. Similarly, to the extent that Dworkin is right that 'there is a hatred of women, unexplained, undiagnosed, mostly unacknowledged, that pervades sexual practice and sexual passion', such practice and passion are morally reprehensible.[40] But the extent to which she is also right that such 'contempt can turn gothic and express itself in many sexual and sadistic practices that eschew intercourse *per se*', that 'submission charges the sex with humiliation and the humiliation with sex', should make no difference to our moral assessment of this contempt and humiliation.[41] They would not be morally better were they not eroticised.

Since sex is not morally special, our sex lives are governed by all the moral principles and concerns that govern our lives generally. There is no specifically sexual morality. For universal participant consent to

[40] Dworkin, *Intercourse*, 175-6; see also esp. 79-85; see also Morgan, 'Dark Desires', 388-94.

[41] Dworkin, *Intercourse*, 175, 139.

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be sufficient for moral acceptability in the sexual domain, therefore, it must be sufficient for moral acceptability in our lives generally. This is not to say that it must be sufficient for moral acceptability in every area of our lives. Some areas might be morally special in ways that mean the general rule does not apply there. But the sufficiency of consent must nevertheless be the general rule if it is to be the sexual rule.

The question of whether it is the general rule is beyond the scope of this paper, but the foregoing discussion presents a serious challenge to the idea. Valmont aims to humiliate Tourvel precisely through winning her consent to a sexual liaison. This liaison seems to be morally reprehensible even though both participants fully consent, as Morgan points out.[42] One might respond by distinguishing Valmont's desire to sleep with Tourvel from his desire to humiliate her and point out that Tourvel only consented to the satisfaction of the former. But it is far from clear that her consent to the latter would have legitimated Valmont's action. Perhaps it will be thought that the relevant kind of consent cannot be given to activities that are so strongly against one's own interests, but it is not obvious that we should accept this as a moral constraint on our behaviour. This example therefore presents a complex problem for defenders of the view that consent is generally morally sufficient.

Discussions of sexual consent can make for strangely grim reading, not only because of the nature of cases where it is absent, and indeed some where it is arguably present, but also because we want more from our sex lives than their being morally permissible: we want them to be enjoyable, satisfying, fulfilling, and meaningful, which moral acceptability does not and should not promise to deliver. But we do need to understand what is and what is not permissible, for personal reasons and for jurisprudential reasons, as well as what is desirable and good. Perhaps the phenomenal quality characteristic of sexuality is important to answering the eudaimonist ethical question of what kind of sex lives are the best for us to lead. Careful phenomenological analysis of sexual experience might well provide illuminating contributions to discussions of human happiness, well-being, and flourishing. Such investigation would do well to be informed by many of the insights raised in the attempts to define the sexual that this paper has discussed and dismissed. But this dismissal is appropriate nonetheless. Morality is concerned with establishing a mere baseline that we should remain above, a baseline that we have seen

[42] Morgan, 'Dark Desires', 400-1.

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to be the same in sexual matters as in life generally. Just where above that baseline the good life resides is another matter entirely.[43]

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[43] This paper has been greatly improved by discussion at work-in-progress seminars in the Centre for Ethics in Medicine and the Department of Philosophy at the University of Bristol in autumn 2007 and at the Sexual Ethics Workshop at the University of Bristol on 9th May 2008.

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