# *Consenting Adults, Sex, and Natural Law Theory*

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Philosophia Philosophical Quarterly of Israel

ISSN 0048-3893 Volume 44 Number 2

Philosophia (2016) 44:509-529 DOI 10.1007/s11406-016-9705-z VOLUME 44 No. 2 June 2016

## PHILOSOPHIA

PHILOSOPHICAL QUARTERLY OF ISRAEL

Editor-in-Chief: Asa Kasher

D Springer

ISSN 0048-3893



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### Consenting Adults, Sex, and Natural Law Theory

Timothy Hsiao<sup>1</sup>

Received: 20 July 2015 / Revised: 28 December 2015 / Accepted: 15 March 2016 / Published online: 1 April 2016 © Springer Science+Business Media Dordrecht 2016

**Abstract** This paper argues for the superiority of natural law theory over consentbased approaches to sexual morality. I begin by criticizing the "consenting adults" sexual ethic that is dominant in contemporary Western culture. I then argue that natural law theory provides a better account of sexual morality. In particular, I will defend the "perverted faculty argument" (PFA), according to which it is immoral to use one's bodily faculties contrary to their proper end.

Keywords Sexual ethics  $\cdot$  Consent  $\cdot$  Autonomy  $\cdot$  Natural law theory  $\cdot$  Perverted faculty argument

"Thinking against nature, you will become foolish. And if you persist you will fall into insanity." — Irenaeus, *Against Heresies*<sup>1</sup>

This paper argues for the superiority of natural law theory over consent-based approaches to sexual morality. I begin by criticizing the consent-based sexual ethic that is dominant in contemporary Western culture. Consent, I argue, can justify only those activities that are truly good for us. The concepts of consent, autonomy, freedom, and liberty are all inextricably tied to certain assumptions about human nature, and thus cannot be invoked apart from the background of an underlying moral theory.

Since appeals to consent rely on some comprehensive understanding of the good life, the bulk of this paper will be spent arguing for a natural law approach to sexual

<sup>&</sup>lt;sup>1</sup>As quoted in Reilly (2014: 113).

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ethics. Specifically, I will defend the much-maligned "perverted faculty argument" (PFA), which holds that it is immoral to use one's bodily faculties contrary to their proper function. Contemporary philosophers, including many within the natural law tradition, have largely dismissed the PFA as naive and easily refuted. I will argue that the PFA is directly entailed by a commonsense conception of the good, and that it cannot be properly understood nor criticized apart from the larger metaphysical framework from which it is derived.

#### Liberal Sexual Ethics

Liberal approaches to sexual morality are typically based on consent. Igor Primoratz (2001: 201) refers to consent as the "touchstone of morally permissible sex," while Thomas Mappes (2002: 208) argues that "respect for persons entails that each of us recognize the rightful authority of other persons (as rational beings) to conduct their individual lives as they see fit." So long as an activity is performed in private between consenting adults, as some popular slogans go, there can be nothing inherently objectionable about what is done. Why? Because they have given their consent, and consent is what matters most when it comes to one's decision to engage in sexual activity.

The implications of this position are far-reaching. If sex is legitimated mainly by consent, then the only limiting principle of morally permissible sexual relationships is matter of whether the involved parties agree to participate. The result is a very permissive sexual ethic, one in which consensual sexual activity is justified regardless of the number of persons involved, their sex, familial relationship, or whether any financial transactions are involved. Since sexual relationships are shaped by consent, and since consent can take on many different forms, sexual relationships no longer need to be monogamous, permanent, or exclusive.

Why should we think of consent as the be-all and end-all of sex? One answer is that it is entailed by a *respect for autonomy*. As Mill (1869) famously put it, "Over himself, over his own body and mind, the individual is sovereign." The essence of freedom and self-determination is, on this view, for each person to determine his own conception of the good life. Accordingly, we ought to recognize the moral right of each person to use his body in whatever way he deems fulfilling, provided that he does not violate the autonomy of others as they go about pursuing their own conceptions of the good life.

A similar but slightly different version of this argument appeals to the right of *self-ownership*. This approach is stated in terms of property rights: We may do whatever we want with our property so long as we do not use it to interfere with the lives of others. Since we own our bodies, it follows that we can do whatever we want with them, short of interfering with the self-ownership rights of others. In the same way that I exercise absolute control over my property, I exercise absolute control over my own body. When it comes to relationships between other self-owners, any kind of interpersonal relationship is morally permissible so long as the involved parties consent to having their body used in a certain way.

#### Three Problems for Consent-Based Sexual Ethics

There are at least three problems for a consent-based sexual ethic.

#### **Bad Consent**

The first and perhaps most obvious problem is that we can consent to activities that are bad for us. Self-injury is one such example. Someone who enjoys cutting himself simply because he finds the experience to be pleasurable is not acting as he should, even if he voluntarily initiates the activity and sincerely finds it to be a fulfilling part of his life. Or consider "transabled" persons who genuinely desire for some healthy part of their body to be amputated. The mere fact that one may find deep psychological fulfillment in living as an amputee does not justify the amputation of an otherwise healthy limb. What these examples show is that what we *can* consent to is not always what we *should* consent to.<sup>2</sup> Since we can consent to things that we should not consent to, it follows that consent alone isn't sufficient to morally justify some activity.

One response to these kinds of cases might be to distinguish between mere consent and *informed* or *ideal* consent. That is to say, one's consent is valid only if he is aware of the relevant facts regarding what he is consenting to. Self-harmers, we might say, do not fully understand the self-destructive consequences of their actions. Their actions were not truly informed, and hence they never validly consented. If they had really understood the consequences of what they were about to do, then they would have chosen otherwise.

However, if informed or ideal consent is just a matter of knowing the risks of one's actions, then it is quite conceivable that someone may still freely choose to pursue self-destructive activities, having understood and accepted the risks. Adopting a heightened standard of consent might rule out *some* of these cases, but it is not strong enough to rule out all them.

Perhaps one might make the stronger claim that someone who is aware of the risks of self-harm would, by that very fact, know that it is something that should not be done. But why think that a sufficiently informed person would not choose to engage in self-destructive activities? If the answer is that a sufficiently informed person would know what is truly good for him and thus act accordingly, then what is doing the justificatory work is no longer his consent, but his knowledge of some *further fact* that works to constrain his decision-making. This appeal to a more basic moral standard beyond mere consent ends up betraying the liberal position; for by conceding this, one acknowledges that consent has value only insofar as it is used to make decisions based on knowledge of what is truly good for us. The value of consent lies not in the ability to make our own decisions, but in making the right decisions. The issue then becomes one of determining what is in fact good for us as human beings.

<sup>&</sup>lt;sup>2</sup> Real-world examples of autonomy run amok are not hard to find. Consider the disturbing case of Armin Meiwes, who was sentenced to life imprisonment after he killed and cannibalized a willing victim who responded to an advertisement he placed on an internet forum. Even though his victim fully consented to be killed and eaten, it was clearly wrong for Meiwes to butcher him.

Dismissing these cases as examples of mental illness fail for the same reason. Although it is true that many people who desire to harm themselves are in fact mentally ill, the explanation for *why* their condition constitutes a mental illness will have to do with the fact that they are led to make disordered choices. But evaluating a choice as disordered can only make sense if we have some understanding of what a proper choice should look like, an understanding that is rooted in our knowledge of how human beings ought to function. Indeed, as Leon Kass (1975) has observed, the very aim of medicine itself is the restoration of proper bodily function.

Alternatively, a proponent of liberal sexual ethics might simply choose to bite the bullet and grant that the kinds of self-destructive activities previously mentioned are in fact morally permissible. Allowing persons the right to engage in actions that are admittedly self-destructive and counterintuitive, on this view, is the only consistent way of affirming the inherent value of personal autonomy and individual freedom for everyone. The moral right to personal autonomy grants each person the right to determine how he wants to live. For some, that may involve lifestyles that are radically different from what we are typically accustomed to. Nevertheless, these life choices must be respected.

This reply provides a way out of my first objection. But for many, conceding this may be too high a price to pay. Most of us have the firm intuition that there is something deeply wrong with a person who chooses to harm oneself or amputate a healthy limb for sheer psychological satisfaction, even if the consequences are understood and voluntarily assumed. Our intuitions on such matters provide a prima facie source of moral wisdom that should not be discarded so lightly.<sup>3</sup> A theory which permitted this would constitute its own refutation.

That said, my case against liberal sexual ethics is not based on intuition alone. In what follows I offer two more objections, both of which expose deep conceptual problems in appealing to consent.

#### **Consent Lacks Inherent Moral Power**

A second (and more fundamental) problem with any consent-based sexual ethic is that it simply misunderstands how consent works. We can think of the act of consent as conferring a moral stamp of approval on some activity. Consent works by giving permission for someone to do something that would have otherwise been forbidden.<sup>4</sup> If I consent for you to perform some action, then the fact of my consent is what gives you the authorization or permission to act accordingly.

However, my consenting to an activity only legitimates it if I *already* have the authority to authorize that activity. If I do not, then my consent has no normative force despite whatever verbal assent I may give. This is because consent, considered by itself, lacks any intrinsic moral power. I cannot, for example, legitimately consent for you to take your neighbor's property, since I have no right to control his property to begin with. I may *say* that I am giving you permission, but my consent is meaningless because it does not proceed from an authoritative basis. Consent is not a "moral master key" that

<sup>&</sup>lt;sup>3</sup> On this, see Kass (1997).

<sup>&</sup>lt;sup>4</sup> Beauchamp and Childress (2013: 110).

can magically authorize just anything. Consent can only authorize some activity if that activity is *already* permissible for the person authorizing it.<sup>5</sup> Treating consent as the "touchstone of morally permissible sex," as Primoratz puts it, is putting the cart before the horse. Whatever moral power we may attribute to consent, this power must be derivative of more basic moral facts that render consent meaningful.

Put another way, consent only has moral power when considered under the backdrop of an underlying moral theory, similar to how the normative force of a policeman's commands depend essentially on his occupying a position of authority. His commands are authoritative not because of the fact that they are commands, but because they originate from a position of authority that bestows them with normative force. Since the legitimacy of consent is dependent on a pre-existing moral framework, the question we should ask is whether we have any pre-existing duties or obligations that restrict the scope of what we are allowed to consent to. It therefore begs the question to appeal to consent alone to establish the moral permissibility of certain kinds of sexual activity, since consent can only justify these activities within the context of a moral theory that *already* allows them.

None of this should be taken as saying that consent plays no justificatory role in ethics. Rather, the point is that the power of consent is derivative from a more basic framework, and that this framework ought to be the main subject of ethical inquiry. These same points apply to the autonomy arguments considered earlier. Like consent, the legitimate exercise of autonomy is limited by what is already morally permissible. The mere fact that something is chosen does not make it right.

When it comes to self-ownership, it does not immediately follow from the fact that one owns himself (assuming that this is coherent) that his use-rights over his own body are absolute and unlimited. Ownership of something like a cell phone, watch, or pencil plausibly entails an exclusive right to determine how it may be used. But why think that this is analogous to *persons*, who constitute a very different type of thing? The reason why we think that it is permissible to do whatever we want to our "mere property" (short of harming others) is because we implicitly understand that cell phones, watches, pencils, and the like aren't items with basic dignity or intrinsic value. But unlike a cell phone or pencil, persons are moral agents with rights and responsibilities who stand in certain relations to themselves and others. In Kantian terms, persons are intrinsically valuable as ends-in-themselves, whereas mere objects are valuable only as means to further ends.

This radical difference between persons and mere property implies very different standards of treatment between the two. The reason why I can do whatever I want to my watch (such as sell it or smash it) is because there are no morally salient facts about the watch that limit what I can do with it. The watch is a non-moral entity, and as such as I can use without regard to its own well-being.<sup>6</sup> This explains why my right of ownership over "mere property" is unlimited. But if we substitute the watch with

<sup>&</sup>lt;sup>5</sup> *Objection:* "Sex is permissible when all the parties consent. This is disanalogous to the property example, since the neighbor has not given his consent." *Reply:* This misses the point of the example, which is that valid consent is valid not because of the mere fact of consent, but because one's consent is empowered by the preexisting right to authorize some course of action. The property owner's consent to lease his property is valid because he has the preexisting right to administer his property, a right that I do not have.

<sup>&</sup>lt;sup>6</sup> Excluding, of course, its use in harming other people.

something that has inherent moral worth and which can be harmed in morally salient ways, then my use-rights are limited by its well-being.<sup>7</sup> Like consent and autonomy, the scope of ownership and use-rights is constrained by more basic moral facts.

Thus, if we own ourselves, then we own ourselves in a way that is very different from how we own mere property. Our nature as moral beings sets limits on the scope of what we may do to ourselves in the name of self-ownership. Since these limits are derived from some underlying moral theory, it doesn't follow from the mere fact of selfownership that we have an absolute right to do whatever we want to ourselves. This is especially true if we have *duties to ourselves* (something many religious and philosophical traditions have maintained). By appealing to self-ownership as an argument in support of certain controversial sexual practices, one simply begs the question by assuming the truth of the very philosophical anthropology being debated.

#### The Purpose of Consent is to Choose Real Goods

A third problem with a consent-based sexual ethic is that it neglects to take seriously the nature of consent. The power to consent and make autonomous choices has a *purpose*, and that purpose is to endorse only those actions that are truly good for us. This, along with the previous objection that the moral power of consent depends on some underlying moral framework, explains why some acts of consent are licit and others are not. Thus, the extent to which appeals to consent can render some sexual activity morally permissible is constrained by whether that activity is truly good for us.

The defender of a consent-based ethic might reply by saying that certain sexual activities *are* in fact good for us, and so consenting to them is perfectly consistent with respecting the purpose of consent. But this needs an argument. It is not something that can be shown *merely* by appealing to the fact of consent. In other words, one needs to state and argue for a comprehensive theory of human flourishing or some basic moral standard. Any such theory, if it is to be non-circular, must appeal to facts beyond mere consent, autonomy, or self-ownership. While advocates of traditional sexual morality have offered powerful defenses of their underlying philosophical anthropology, this task has been ignored by defenders of liberal sexual morality.<sup>8</sup>

#### A Natural Law Alternative<sup>9</sup>

So far my arguments have been largely negative: they have focused on criticising liberal sexual morality. I argued that mere appeals to consent are vacuous because they rely on some more basic moral framework. But what does this framework look like,

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<sup>&</sup>lt;sup>7</sup> For example, many people think that animals have some sort of intrinsic value, and that this fact generates constraints on the scope of whatever ownership or control rights that we might have over them. If we substitute a watch with a dog, for example, then arguably the intuition that we can do whatever we want to the dog is considerably weakened. In whatever sense we may own the dog, this sense of ownership is considerably different from the sense in which we might be said to own a watch or pencil.

<sup>&</sup>lt;sup>8</sup> For defenses of traditional sexual morality, including the larger metaphysical framework on which it is based, see Lee and George (2008, 2014); Girgis et al. (2012); Pruss (2012); Budziszewski (2014); Girgis (2014); Newman (2015), and Feser (2015).

<sup>&</sup>lt;sup>9</sup> This section draws on some material from Hsiao (2015).

and why should it be accepted? Given the failure of a consent-centered ethic, what alternative is there?

My contention is that only a natural law theory can serve as the basis of a coherent sexual ethic. Indeed, there is good reason to think that some kind of natural law theory is rationally inescapable — not just for sexual morality, but for human reasoning in general. By "rationally inescapable," I mean that anyone who considers himself to be a rational person must, on pain of denying reason altogether, be committed to the idea that norms are derived from teleology.

Before sketching this argument, it is useful to give an overview of what natural law theory is. At its most basic level, natural law theory holds that morality is about fulfilling our human nature.<sup>10</sup> Good actions are those which promote or are consistent with proper human functioning, and bad actions are those which conflict with it.

For the natural law theorist, both our understanding of both moral and non-moral goodness depends on our first understanding something's function or nature. We cannot say that something is good or bad unless we first know what its function is.<sup>11</sup> To borrow an example from Peter Geach (1956), I cannot know what a good hygrometer is if I do not know what hygrometers are *for*. As Geach points out, ascriptions of goodness and badness only make sense when considered under a description. "There is no such thing as being *just* good or bad, there is only being a good or bad *so-and-so*."<sup>12</sup> Goodness and badness, in other words, are *species-specific* concepts. A firefighter is good by fighting fires, since that is what firefighters as a class are supposed to do. A vehicle is good by transporting people and goods well, since that is how vehicles as a class are supposed to function. An orange tree is good by producing fruit, since that is how orange trees are all good in the sense that they are fulfilling their respective ends. Something that is good for one thing may not necessarily be good for another. Nevertheless, all good things are similar in the sense that they are all good by functioning as they should.

Natural law theory bears the title *natural* because it grounds morality in human nature and the conditions for its fulfillment. It is *law* in the sense that our ability to reason gives rise to moral obligation. Natural law theory is both teleological and essentialist. Membership within a certain natural kind or species provides us with a standard of functioning according to which an individual's life can be evaluated as good or bad. All members of a species, kind, or class, in virtue of sharing a common nature, possess a basic set of welfare conditions that determine what is good for them. This provides us with objective standard of evaluation by which we can judge something to be a better or worse instance of its species. For instance, a child born with only one arm fails to realize a capacity that he should be realizing and therefore has a disability that ought to be corrected. An eye with 20/20 vision is a good eye since it is functioning as eyes should.

The distinction between what is "natural" and "unnatural" should not be understood along the lines of what animals do, what is non-artificial, what is statistically normal, or

<sup>&</sup>lt;sup>10</sup> The description "natural law" has unfortunately become associated with a host of moral and political theories, many of which are anti-essentialist and non-teleological. See Lisska (1996) for an overview. For the purposes of this paper, I refer to natural law in the traditional sense, as a moral and political theory rooted in what is befitting for human nature.

<sup>&</sup>lt;sup>11</sup> See Alexander (2012) for a rigorously argued defense of this claim.

<sup>&</sup>lt;sup>12</sup> Geach (1956: 34). Emphasis mine.

even what God commands; but rather in terms of whether something conduces to the flourishing of our human capacities, powers, and functions. Many popular criticisms of natural law theory fail to even get off the ground because rely on a mistaken understanding of how the natural law theorist understands the term "nature."

#### Why Realism About Teleology is Rationally Inescapable

Natural law theory is committed to the reality of teleology. But why should we accept the thesis that there are functions or purposes? Edward Feser (2008, 2009, 2014) has convincingly argued that a teleological and essentialist metaphysics is necessary in order to make sense of many commonsense features of the world, and that the hard sciences support rather than contradict the idea that there are purposes and natures. Similarly, Matthew O'Brien and Robert Koons (2011) point out that recent work in contemporary metaphysics and philosophy of science is largely supportive of a broadly Aristotelian philosophical anthropology.

There is much that could be said on this point. However, a comprehensive defense of a teleological and essentialist metaphysics along these lines would be beyond the scope of this paper. I shall instead offer a retorsive argument for the claim that norms are derived from teleology. That is to say, it is rationally self-defeating to deny the normative implications of teleology, for any argument that attempts to do so must rely on a teleologically-laden conception of reasoning.<sup>13</sup> Anyone who considers himself a rational person must therefore be committed to the truth of natural law theory.

Here is the basic argument: Let us suppose that there are no purposes, functions or goal-directed forces of any kind. If that is the case, then our intellect isn't purposed toward the attainment of truth. Indeed, it wouldn't be purposed toward *anything at all*. But if that is true, two problems arise. First, since rational deliberation is a teleological operation that depends on goal-oriented inferences aimed at producing true conclusions, the absence of teleology would undercut the very possibility of rational thought. Second, since a rational person is one whose thought is guided by noetic and epistemic norms (such as "We ought to believe what is true and reject what is false"), and since the non-existence of teleology undercuts rational discourse. Taken together, these points show that teleology is very much a real thing that is relevant in determining norms of reason and morality.

#### The Teleological Nature of Reasoning

Suppose I had a six-sided die with five sides labelled "true" and one side labelled "false," and that I rolled this die in order to evaluate the truth value of a list of propositions, all of which are true. Because of how the die is built, I'll get more true results than false results. But would I be *justified* in accepting its true results as true?

<sup>&</sup>lt;sup>13</sup> This argument is inspired by that of Mawson (2008). It also bears some similarities to self-refutation arguments against naturalism and determinism made by Lewis (1960); Hasker (1973); Boyle et al. (1976); Moreland (1988, 2009); Plantinga (1993); Reppert (2003, 2009), and Menuge (2004). While these arguments have been deployed against naturalism, my focus here is more narrow and thus consistent with certain kinds of naturalism.

Surely not. Even though the die will produce more true beliefs than false beliefs, these true beliefs are not generated in the *right way*.<sup>14</sup>

Similarly, truly rational belief-formation requires not just that the produced beliefs be true, but also that they be formed in the right way. Since rationality is a process that originates from and is directed by the intellect, the intellect must be purposed towards the discovery of truth. When the intellect engages in rational deliberation, it reasons according to premises that support a conclusion. These premises *point* to a conclusion in a way that must take into account norms of reasoning and valid argument structures. Thus, when I reason from "All men are mortal" and "Socrates is a man" to "Therefore, Socrates is mortal," I mentally arrange premises in a stepwise manner that leads to the derivation of a conclusion. Such a deliberative process is inherently teleological. Indeed, referring to a proposition as a premise or conclusion presupposes that it stands in certain teleological relations with other propositions. As Moreland (2009: 83–84) observes,

[W]hen one attends to one's own endeavorings, it becomes introspectively evident that the various steps in such processes are formulated for the sake of drawing a particular conclusion... And when one attends to the different states containing propositional contents in rational sequences that constitute the inductive or deductive premises of the sequence, it becomes evident that these states are *means* — *rational means* — to the end of drawing the conclusion. And when one attends to both the drawing of the conclusion and the conclusion so drawn, it becomes evident that the conclusion is the *end* for the sake of which the process was undergone.

Teleology is involved at every step of our deliberative processes. Any belief-forming faculty must work in this way if it is to yield true beliefs that we are justified in believing. However, if teleology doesn't exist, then it is not the case that we reason based on premises that point toward a conclusion, as these are goal-directed concepts. Since this is essential to the very concept of rationality, the absence of teleology leaves us without any basis for rational thought. But since the critic of teleology must — insofar as he considers himself to be rational — rely on processes that are inherently teleological to form his arguments, then it follows that realism about teleology is rationally inescapable. Any attempt to rationally deny teleology is self-defeating, for anyone who attempts to do so is implicitly relying on arguments that require a teleologically deliberating intellect in order to be accepted as rational.

One response might be to try to reduce rational teleology to something nonteleological. But this won't do, for any such reduction will run into the problem posed by the die example given earlier. It is not enough that a deliberative process produce true beliefs, or even more true beliefs than false beliefs. True beliefs need to be produced in the right way, and not on accident. Talk of there being a *right* way, however, shows that there is an inherently normative aspect to reasoning that simply cannot be discarded without discarding reasoning itself.

<sup>&</sup>lt;sup>14</sup> One might object that it's inappropriate to stipulate that the list of propositions be true, since on other lists the die might not fare so well. This is true, but it misses the point of the example. In order for us to be justified in accepting beliefs generated by any belief-forming process, the process in question must be *truth-apt*. It is not enough to get the right answer on accident. The beliefs must have been arrived at *because they are true*, and not because of other reasons that may regularly (but accidentally) produce true beliefs.

#### **Teleology and Epistemic Norms**

Rationality is also teleological in that rational persons ought to obey *norms of reasoning*. These are epistemic norms that dictate how we ought to direct our deliberative faculties so that we may become intellectually virtuous. Examples of such norms include, "One ought to believe what is true and reject what is false," "One ought to proportion his beliefs to the evidence," and "One ought not disregard truth for the sake of ego inflation (one should not be a sophist)." Critics of teleological realism presuppose these very norms when they argue that we *ought not* believe in teleology because it is contrary to the evidence.

How do we account for these norms? Why ought we believe what is true and reject what is false?<sup>15</sup> One answer might be that epistemic duties should be understood along pragmatic lines: we should pursue truth and avoid error only because doing so is conducive to our survival. Since we are interested in surviving, then it makes sense to be rational. This is much is true, but it doesn't tell us why we *ought* to care about our survival. A slave who is conditioned to lack a desire to survive is nevertheless in a cognitively deficient position because he is lacking a mental state that he *ought* to have. Similarly, insane or perverse persons who have no actual interest in their well-being are not thinking as they ought to think. In saying that these persons lack a mental state that they *should* possess, we are making a claim that makes sense only if epistemic norms are rooted in something more basic than one's mere desire to live. Indeed, it appears to be a category mistake to ground epistemic norms in the possession of a particular mental state (such as the will to live), since these norms are supposed to govern the very faculty that gives rise to these particular mental states. Truth and rationality do have survival value, but they also have inherent value that is independent of their utility value.

Rather, epistemic norms are rooted in the inherent function of our rational faculties. It is good for us to pursue truth and reject error because the pursuit of truth is the function of our intellect. Since something's good consists in fulfilling its function, and since we are essentially rational animals, it follows that we ought to be rational. Epistemic norms exist in order to guide our thinking so that we can perfect our rational faculties, thereby fulfilling our rational nature.<sup>16</sup>

None of this is the case if teleology doesn't exist. If the function of our intellect is not to pursue truth and reject error, then it is hard to see how there could be such a thing as epistemic normativity. At best, we are left with a kind of hypothetical basis for epistemic norms, whereby we ought to reason a certain way *if* we desire a certain outcome. But as I argued, this model is unable to explain why we ought to have certain mental states unconditionally, and why our mental states *as such* are constrained by certain epistemic norms. Being rational isn't a game that we can freely choose to enter

<sup>&</sup>lt;sup>15</sup> It is tempting to simply dismiss this question by replying that "It's obvious!" and that any attempt to argue for or against these norms must end up presupposing them. This is quite true, but it is beside the point. The question is not about the truth of these norms, but rather about their *ground*. That is, given that these norms exist, how do we explain them? Saying that it's obvious that there are epistemic norms is true, but this answer doesn't tell us where they come from.

<sup>&</sup>lt;sup>16</sup> The argument here is not that rational norms imply moral norms (although this inference can certainly be made), but that teleology cannot be rationally denied because it generates the very norms of reason that are presupposed by any such denial.

or exit, it is a requirement to which we are all unconditionally held. It is self-defeating, then, to appeal to reason in arguing against teleology, since the very attempt to do so undermines the teleological anti-realist's own position. The claim that one *ought not* believe in teleology because it is not supported by the evidence is based on epistemic norms that are inherently teleological.

I conclude that realism about teleology is rationally inescapable.

#### From Teleology to the Perverted Faculty Argument

I have argued that teleology exists and is relevant in determining what it means for something to be good. It is but a few short steps from this seemingly modest claim to a full blown natural law theory of human flourishing.

Earlier it was noted that if something is good, then it is good by functioning as it should. Orange trees are good by growing well, vehicles are good by running well, and firefighters are good by fighting fires well. This point was also seen in the argument considered in the last section: teleology is rationally inescapable not just in the sense that we rely on teleological processes in order to form arguments, but also because the intellect's teleological orientation towards truth is what makes reasoning an activity that is *good* and *fulfilling* for us. Teleology provides us with a normative standard by which we can evaluate something's activity as good or bad, whether this be activity be mechanical performance, biological growth, firefighting, or reasoning.

When it comes to human beings, the pattern is no different: human actions are good by aiming at real human goods. The fulfillment of our faculties is one such good, while their frustration is not. From this it follows that any action that is aimed towards the frustration of our human faculties cannot be a good human action. Since we ought only to pursue what is really good for us, our actions ought to respect the proper end of our faculties and avoid their frustration. That is to say, if we use some faculty F, then we should direct F towards its proper end.

Here is another way to see this point: When we breathe, we use the faculty of breathing; when we engage in a conversation, we use the communicative faculty; when we deliberate about a mathematical problem, we engage the faculty of reasoning. These faculties are all oriented towards our well-being. Breathing is *for* oxygenating the blood, communication is *for* conveying some intelligible message, and thinking is *for* attaining the truth. These activities are all *good* for us as human beings. Since our faculties are oriented towards our own good, any action that makes use of one of these faculties should aim towards its fulfillment. Why? Because our flourishing as human beings is simply a matter of realizing the powers, capacities, and functions inherent in our human nature.<sup>17</sup> These actions take on a moral significance because humans are

<sup>&</sup>lt;sup>17</sup> An anonymous reviewer objects: "It doesn't seem self-evident—or evident at all, really—that using a power or faculty oriented toward *G* for the sake of *H* instead, is necessarily wrong... Using an *F* that is oriented to G for the sake of another good does not seem in itself unreasonable." But this simply follows from a speciesspecific conception of the good. Since is good for some *F* is determined by its function(s), then it simply cannot be *good for F* to it to be used for the sake of some other end that is not its proper function. *F*'s goodness just is a matter of functioning as *F* should, which precludes there being any other good for *F* that is not related to its function.

rational agents who know that they ought to pursue what is good for them and reject what is bad for them.<sup>18</sup> Thus by directing our faculties to an end that is not their proper end, we are using them in a perverse way. We are left, then, with what has been called the *perverted faculty argument*: it is morally impermissible to misuse some natural faculty F by directing the use of F away from its proper end(s).

This argument has been notoriously misunderstood, so it is useful to clarify just what is meant. The PFA holds that every intentional action that engages some natural faculty F must be aimed towards some end G that is by nature able to realize the natural end of F. We can speak of every intentional action as having two ends.<sup>19</sup> First, there is the end towards which the acting person *actually* aims. This is derived from the agent's intention, since his intention is his plan of action. Second, there is the end towards which the action *should* be aiming at. This is derived from the function of the faculty that is being engaged. An action is good when these two components aim at the same thing, and bad when they diverge.

Thus, an immoral action should not be understood as the mere *failure* to realize some natural function, but as one in which the agent does not seek the realization of the faculty that he engages. Suppose that I engage F and my plan of action is to realize F's end. I have not acted immorally because my action is still oriented toward F's realization as a proper end. The non-realization of F is not the same as the intentional non-realization of F, since its frustration is not part of my plan of action.<sup>20</sup> However, now suppose that I engage F, such that while I know F has some proper end G, I direct the use of F away from G towards some other end that cannot realize G. In this case I have acted immorally since respecting F's proper end was never a part of my plan of action. Faculties are goal-directed powers, whereas their end-states are the result of the powers being engaged. Since humans actions engage faculties (and not their end-states), all that is required for an action to be permissible is that the faculty be aimed toward achieving its associated end state. Even if this end-state is not *actually* achieved, the action itself can still be good or permissible.

Since human actions are directed by reason, the purpose of which is to guide our actions in our pursuit of the good, every perverted action not only perverts the faculty it engages, but also the faculty of practical rationality. This is because one uses a faculty in a way that is unfitting given its proper end. A faculty is a goal-directed power that seeks to bring about some effect, and so the object toward which some power is directed is "fitting" if it is able to receive the type of effect that the power seeks to impart. Consider a pen, which is ordered to the end of writing. I use the pen in a way that respects its function if I exercise its power of writing on some object (say, paper) that is able to be written on. By contrast, if I use the pen to write on glass, then the glass is an unfitting object for the pen's power of writing because it is not the sort of thing

<sup>&</sup>lt;sup>18</sup> Indeed, for the natural law theorist, human actions are moral actions. The moral life is simply a matter of living well in everything we do. Hence Feser (2015) observes that natural law theory "does not draw the sort of rigid distinction between matters of ethics and matters of practicality, good mental and physical health, etc. that modern moral theorists tend to draw. Ethics, for Aristotelians, Thomists, and other classical thinkers, is a matter of *how to live well*, in *all* aspects of life."

<sup>&</sup>lt;sup>19</sup> See Jensen (2010).

<sup>&</sup>lt;sup>20</sup> Thanks to Greg Brown for this point.

that is able to be written on. Perverted actions are thus a type of error in practical reasoning, an error in structuring one's end with his choice of means.

#### Alleged Counterexamples

Now since the PFA is concerned with the *mis*use of a faculty, the faculty must first be *used*. It therefore will not do to object to this argument (as some do) on the grounds that using earplugs or holding one's breath count as perverted actions.<sup>21</sup> In neither of these cases is a faculty being engaged toward some inappropriate end. It is not immoral to *refrain* from engaging a faculty, nor is it wrong to *repair* a faculty (as in the case of wearing eyeglasses or hearing aids), since activities of this sort promote the realization of its function.

What about counterexamples that do seem to involve the active use of some faculty? Thomas Aquinas, from whom the perverted faculty argument is thought to have originated, considered one such example when he considered whether it would be wrong to walk on one's hands. Germain Grisez (1964) includes shaving, chewing sugarless gum, and lactation in which excess milk is discarded as other counterexamples.<sup>22</sup> These alleged counterexamples fail to undermine the PFA. The hands are general purpose faculties that serve a variety of roles, so it is not clear how this would preclude using them to walk. It is hard to see how the shaving and lactation examples are even relevant, since they do not involve the use of a faculty that we have direct control over.<sup>23</sup>

That being said, the perverted faculty argument should *not* be understood as saying that it is always wrong to destroy a faculty or to use it apart from its immediate function. A very important point to note is that the parts of an organism are hierarchically subordinated to higher parts and ultimately to the well-being of the organism as a whole. For example, the function of the lungs is to oxygenate the blood, but oxygenation of the blood cannot be understood apart from the role that it plays in the context of a larger system to which it is subservient. Bodily faculties are purposed *proximately* towards some immediate function (seeing in the case of eyes, pumping blood in the case of the heart) and *ultimately* towards the health and well-being of the whole organism. The wrongness of misusing some faculty consists in the fact that by directing it away from its proximate function, one also thereby directs its away from its ultimate inclination to the well-being of the whole (since the latter is realized by means of the former). However, if the proximate operation of some faculty conflicts with this ultimate operation (such as when a heart beats too fast), then it is permissible to frustrate or even destroy a physical faculty. Just as it is permissible to disobey a lower

<sup>&</sup>lt;sup>21</sup> See, e.g. Corvino (2002); Leiser (2003), and Sullivan (2011).

<sup>&</sup>lt;sup>22</sup> For similar reasons, Finnis (1980: 48) says that the PFA "in any form strong enough to yield the conclusions it has been used to defend" is "ridiculous."

<sup>&</sup>lt;sup>23</sup> We do not have direct control over the power of hair growth or milk production. One does not consciously will for hair to start growing or for milk to be produced: these are bodily processes that simply happen and that have no definite stopping point. As Feser (2015: 407) notes, "there are crucial differences between, on the one hand, an *individual deliberate act* of using a bodily faculty and, on the other, an *ongoing and involuntary physiological process*. Use of the sexual organs is an example of the former whereas hair growth, breathing, perspiring, and lactating are examples of the latter... There is no specific individual event that initiates [them] and there is no specific individual event that culminates in any of them either. It is oxidation *in general*, hair production *in general*, sweat production *in general*, and milk production *in general* that is their natural end."

authority when it contradicts a higher authority, it is permissible to frustrate or destroy a faculty if doing becomes necessary for maintaining the health of a higher faculty or of the whole person.<sup>24</sup> A gangrenous limb that threatens that life of an individual may thus be amputated. The removal of wisdom teeth or excess milk is similarly justified, since they provide no benefit to health and may even threaten it. If there are situations in which this may require voluntarily directing the use of power to an end other than the one prescribed by its immediate function, it is not the case that we are misusing it, since it is still being used in a way that respects its ultimate function.<sup>25</sup> Since a faculty's proximate function exists for the sake of its ultimate function, it is not always wrong to frustrate the former if doing so is necessary to respect the latter.

This provides us with an answer to Grisez's example of chewing sugarless gum (or consuming anything nutritionally worthless, for that matter): the nutritive power is ultimately ordered to self-maintenance, and the occasional act of chewing on gum does not interfere with the occurrence of this activity. Aquinas (1975) himself gives a similar response when he says that "man's good is not much opposed by such inordinate use" of our faculties. It *would*, however, be immoral for one to chew gum to the point that it causes malnutrition or sickness. In this way, the PFA aligns with our commonsense intuitions about moderation and excess. It is not immoral, all things considered, to drink a single glass of wine in one sitting. But there is something clearly wrong in drinking oneself to the point of intoxication.

#### **The Fact-Value Distinction**

Another common objection to natural law arguments is that they illicitly read off the prescriptive from the descriptive. In Humean terms, natural law theory is guilty of deriving an "ought" from an "is." But no such derivation is going on. Since I am appealing to teleology as a standard of moral normativity, I am not deriving values from facts, but *reporting* them. As Foot (2000) puts it, moral goodness is *natural goodness*. It is written into facts about the nature and function of things. One may question whether there is such a thing as teleology, but Hume's objection simply does not apply once we grant that it exists.

However, Patrick Lee and Robert George (2014) argue that the PFA is still vulnerable to a more nuanced version of the fact-value distinction. They argue that proponents of the PFA illicitly derive a practical proposition from a theoretical proposition. That is, there is a difference between the good and the right: it does not follow from "X is good" that "therefore, X is to be done or pursued." They conclude that one "cannot simply deduce from Aristotelian, Thomistic, or Scholastic metaphysics a master ethical principle for ethics or sexual ethics."<sup>26</sup>

But this objection seems to fail for the same reason as Hume's argument. It is quite true that there is a conceptual distinction between what is merely valuable and what ought to be done. However, no inference from the theoretical to the practical is made by the defender of the PFA. The argument starts with the claim that the function of some F

<sup>&</sup>lt;sup>24</sup> This example comes from Augros and Oleson (2013).

<sup>&</sup>lt;sup>25</sup> Feser (2008, 2015) distinguishes between acts that are "*contrary to*" a faculty's purpose and merely "*other than*" its purpose.

<sup>&</sup>lt;sup>26</sup> Lee and George (2014: 20).

is G, and concludes that if we engage F, then we ought to realize G. Both of these claims are normative. If G is the function of F, then it follows given the very idea of function that F ought to realize G. Thus, the move is not from the theoretical to the practical, but from practical to the practical. Since moral normativity is a subset of normativity in general (moral normativity is just normativity that is proper to a rational being), there no illicit derivation of norms from mere facts.

#### **Application to Sex**

I have just outlined the general structure and justification of the perverted faculty argument Historically, this type of argument has been mainly been used to argue against certain kinds of deviant sexual activity. The reasoning is straightforward. Since sex exists for the sake of procreation and one-flesh unity, and since contraceptive, sodomitical, and masturbatory acts are inherently at odds with realizing this purpose, it follows that these acts are immoral.<sup>27</sup>

#### Procreation

It is hard to deny that procreation is at least *a* function of sex. Biologically speaking, the sexual organs are clearly structured towards this end. The process of sexual arousal, orgasm, and the expulsion and reception of semen during intercourse all point toward procreation.

It is sometimes thought that the PFA rests on the assumption that the *only* function of sex is procreation. This is not the case. All that is required for the argument to work is that procreation be a function of sex. All sexual acts (insofar as they are sexual) involving one's genitals will at least engage their procreative function. Male orgasm, for instance, involves the emission of semen. Even if one participates in sexual activity with the aim of realizing some other putative end of sex, his actions will nevertheless make use of its procreative aspect. Since these procreative functions are directed toward the generation of new life, every morally licit sexual act must at least be open to procreation. This is true even if one is aiming at pleasure or some other putative function of sex, for the pursuit of these ends will at some point engage one's procreative powers. In this way, the

<sup>&</sup>lt;sup>27</sup> Objection: "But didn't you say earlier that it's not always wrong to frustrate a bodily faculty? If so, what is the harm in engaging in occasional bouts of intrinsically non-procreative sex provided that one does not completely destroy his health or ability to procreate?" (Corvino [2013: 85–86] makes this very objection). *Reply*: Most of our faculties are proximately purposed towards an immediate function (digestion, pumping blood, oxygenation, etc.), and ultimately towards self-maintenance. Hence, it is not wrong to occasionally interfere with the proximate function of these faculties (say by breathing in helium or chewing sugarless gum) if the act of doing so does not prevent the ultimate function of self-maintenance from occurring. However, unlike our other faculties, the procreative function of sexual faculties is not ultimately ordered towards a good that is external to us (the generation of new life). All intentionally non-procreative sex necessarily prevents the realization of this function and is therefore immoral. Someone who breathes in helium is still self-maintaining, while someone who engages in non-procreative sex is not procreating in any sense.

procreative function of sex constrains the scope of permissible sexual activity. Insofar as sexual activity involves the procreative aspect of sex being engaged, it follows that all legitimate sexual activity must (as a necessary condition) be open to new life.

#### **One-Flesh Unity**

Sex certainly unites individuals, but what does it mean to unite with another? The formation of a genuine unity requires more than just two or more things rubbing or coming together. If I bump into someone on a crowded subway train, I don't unite with him. A surgeon who sticks his finger into an open wound cavity doesn't unite with his patient. Players who engage in contact sports do not unite with the players whom they come into contact with. A unity requires that two or more parts join together in a way that coordinates their mutual functioning toward a common goal.<sup>28</sup>

Consider three examples of unities: What makes the various parts that make up a plane a single unit is the fact that they all work to coordinate toward the common end of flight. The engines, avionics, navigation systems, and other aspects of the plane all perform various functions that are all associated with this overarching end. A sports team is united as a single sports team because the members of that team are all coordinated toward the common end of winning. A biological organism is united as a single organism because the various organs (heart, lungs, veins, etc.) are all coordinated toward the homeostatic functioning of the whole. Thus, the parts of a tree (roots, leaves, stem) comprise a single tree in that they all work together towards the coordinated functioning of the tree as a whole. A part that does not work towards this end (such as cancerous tumors in animals) is not, strictly speaking, a *part* at all.

The idea that a unity is formed by mutual striving applies equally to unities between persons. We are able to form unities with other human beings by cooperating in a variety of ways. For example, two colleagues cooperating on a research project may form an intellectual unity insofar as they are striving toward completing that project. A social unity of friends or clubs depends on the possession and pursuit of shared interests. Note that in each case considered above, the formation of a unity depends on mutual striving towards a common end. This striving can either be mechanical (in the case of a plane), social (in the case of a club or team), or biological (in the case of physical organisms).

The kind of unity being formed, moreover, depends on the kind of mutual striving at play. When a group of people unite to form a sports team, they unite as players on a team. When they unite to engage in scientific research, they unite as colleagues. Unity between human beings as *human beings*, however, requires that both their minds and bodies strive together toward some shared good that is rooted in the humanity of each individual. A union between human beings must therefore be a biological union, a union in which two persons strive together towards a shared biological good. Only one type of coordinated activity is capable of forming a union of this kind: sexual reproduction.

<sup>&</sup>lt;sup>28</sup> This account of bodily union originates from proponents of the "new natural law" theory. See Finnis (1994); Lee and George (2008, 2014), and Girgis et al. (2012). I should note that while I agree with the NNL account of bodily union, my argument here does not depend on the truth of the new natural law theory itself (which I reject).

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Consider again the nature of a biological unity. The various parts of a living organism are united as a single organism because they all coordinate together towards a common goal. Each part works in concert to realize a goal that completes them all. Now when it comes to activities such as the circulation of blood, breathing, digestion, and sensation, each human being is self-sufficient. The only biological function with respect to which human beings are inherently incomplete is procreation. Unlike our other faculties, our sexual faculties are "other-directed." They are oriented towards a goal that is outside of the individual. The realization of procreation therefore depends on the coordinated activity of two human beings. More specifically, only the coordinated activity of a male and female is able to function in this way. In uniting sexually, a male and female work together as a *single unit* to realize a common end that neither can achieve on their own. They are both biologically striving towards the common end of procreation. This forms a bodily union between human persons qua human persons, a union that is described as that of "one flesh" in the Judeo-Christian tradition.<sup>29</sup> Thus, sex is unitive by way of its generative function.<sup>30</sup> Understood in this way, only sex between a man and a woman is capable of fulfilling both functions of sex. Sex that is not other-directed, directed towards a member of the same sex, or whose procreative power is intentionally blocked involves a failure to achieve unity.

But, one might object, why can't sexual union be an emotional union? There are at least two reasons why this does not succeed in achieving an actual union. First, a true unity depends on there being a shared good that both parties can mutually strive towards. Emotions, however, are *private*, and thus cannot be shared between persons. They are phenomenologically subjective, meaning that one person's experience of sexual pleasure will be different from the experience of sexual pleasure felt by another. Indeed, as examples of qualia, subjectivity is part of what it means for something to be an emotion. Their inherently first-personal nature means that they cannot be shared with another individual. Second, an emotional union (assuming that this is even a coherent idea) is a *mental* union, and a union of this kind can only be formed through coordinated intellectual activity, not bodily activity. Hence it is simply a category mistake to think that sex unites individuals in terms of their emotions. Moreover, a mental union is not a true union of human beings as human beings, which is something that requires a unity of mind *and* body.

#### Implications

We ought to direct the use of our faculties toward their proper end(s). When we engage our sexual faculties, we engage a power that is properly ordered to procreation and one-

<sup>&</sup>lt;sup>29</sup> "Sexual union is a unitary action in which the male and female complete each other and become biologically one, a single organism with respect to this function. Just as an individual's organs participate in a single biological function that contributes to the good of the system as a whole, and so are biologically united as parts of a whole individual, so too in coitus the male and the female participate in a single biological function by the couple as a unit." (Lee and George 2014: 44–45)

<sup>&</sup>lt;sup>30</sup> The PFA's application to sex ultimately depends on the appeal to the procreative function of sex. Hence, even if it turns out that bodily union is not a function of sex or that bodily union is more inclusive than natural law theorists think, the scope of acceptable sexual activities is still constrained by the requirement that sex be open to procreation.

flesh unity. Therefore, sexual activities that are not directed towards these ends — such as bestiality, contracepted sex, homosexual sex, and masturbation — are morally impermissible.

We are left with a conservative sexual ethic — one that lines up nicely with many aspects of traditional religious teaching, especially that of the Judeo-Christian tradition.

#### What About Infertility?

The most obvious objection to this application of the perverted faculty argument pertains to sex between the sterile or those past child-bearing age. If a man and woman who know themselves to be sterile nevertheless engage in sex, wouldn't this be immoral? No, for although their activity is not *actually* procreative, it is still *striving* toward this end. A sports team that plays well but loses a game is still said to have been striving towards the goal of winning, even if it is not actually realized. Similarly, sex between infertile couples is still aimed towards reproduction, even if it cannot actually occur. Men and women are inherently fitting subjects for the sexual powers of the opposite sex, even if they cannot realize this due to some contingent circumstance. In the same way that a polio-stricken leg remains a leg even though it is actually unable to walk, men and women retain their inherent procreative powers through defects, old-age, or other handicapping condition. They may have lost the ability to *express* these powers, but the powers themselves remain. We recognize this fact when we classify infertility as a medical defect. The effect of conceiving children is "blocked," but a power's being blocked does not mean that the power has ceased to exist nor that it cannot be directed towards its proper end.

But this objection can be pushed further. Suppose a woman receives a hysterectomy to remove a cancerous uterus, such that she is physically incapable of bearing children. Would it now be immoral for her to have sex with her spouse? Again, the answer is still no. To be sure, she has lost the physical vehicle by which she can conceive, and so her handicap is much greater than someone whose organs are merely damaged, but she nevertheless retains her fittingness by virtue of being a certain kind of substance. She is still missing something that should be there, which signals the presence of a more basic capacity that cannot be realized.

Still, this answer might strike some as incredible. How can someone who lacks the very physical organs needed for procreation still be considered of the procreative-type? Isn't this just straining credulity? No, for once again natural law theory is not premised on how persons are *actually* able to function, but how they *should* be functioning. This latter point is more basic than the former, and is rooted in truths about the kind of organism one is. These truths are unaffected by the fact that there are aberrations from the norm. The natural law theorist is not claiming that the infertile can actually produce children (a claim that would rightfully strain credulity), but rather that they are still *oriented* toward this end despite their inability to actually realize this. When it comes to the concepts of health, disease, and development, most people intuitively reason along essentialist lines without any apparent difficulty. We recognize that there exists a substantial difference between a rock and a human born without eyes, for even though both entities actually lack the organs necessary for sight, the human has something that the rock doesn't: a teleological orientation towards seeing. The rock is not something

that should be able to see to begin with, while a human born without eyes should be seeing. Thus, if it is plausible to say that someone who is born without eyes still ought to see, then surely there is nothing implausible in saying that someone who lacks the physical hardware needed to procreate is still purposed toward procreation.

#### **Other Worries**

The PFA does not imply that all sex must conducted only with the intention of procreation in mind, or that it is illicit to have sex for the sake of pleasure. It is only to say that a proper act of sex must be consistent with procreation. We may add other meanings to some action, provided that whatever we add is consistent with realizing the function of the faculty we engage. Consider eating, for example. The act of eating is ordered to nutrition, but one can eat for the sake of pleasure provided that what he consumes is consistent with the end of nutrition (and ultimately, self-maintenance). Similarly, one may engage in sex for the sake of pleasure so long as the activity is open to procreation.

Nor would this imply that it is wrong to engage in certain activities as foreplay leading up to coitus. Manual stimulation involving one's hands, mouth, or mechanical devices are permitted so long as they are intended to aid the process of arousal. These acts must culminate with ejaculation into the vagina, otherwise they are immoral.

#### **Some Further Implications**

So far I have been concerned with applying the PFA to sexual activities that involve orgasm. Bestiality, condomized sex, homosexual activity, and masturbation are among some of the actions that are morally excluded by the PFA. But since we have psychological and emotional faculties, the PFA can be extended to rule out other activities that are not sexual per se, but which involve inappropriate expressions of sexual desire. Since the purpose of sex is procreation and one-flesh unity, it follows that our faculties of sexual desire, passion, and arousal ought to work in order to facilitate the attainment of this end. Thus, activities such as viewing pornography, voyeurism, and romantic same-sex kissing and touching are also immoral. In each case one actively directs the faculty of sexual arousal to an inappropriate end.

#### Conclusion

Despite the scorn and derision it has received, natural law theory presents itself as a viable and robust alternative to competing accounts of sexual ethics. Its conclusions, though diametrically opposed to prevailing cultural attitudes about sex, merit serious consideration.

Sexual liberalism's misguided view of consent is a symptom of a deeper problem: we have forgotten what it means to be free. Our power of free choice, like our intellect, has a purpose. The point of freedom, autonomy, and consent is not to pursue whatever we want, but to pursue only those ends that are in accordance with what perfects our human nature. It is this exercise of freedom that gives rise to self-mastery. This classical understanding of freedom was eloquently expressed by Samuel West, in a sermon delivered to the Massachusetts legislature in 1776:

The most perfect freedom consists in obeying the dictates of right reason, and submitting to natural law. When a man goes beyond or contrary to the law of nature and reason, he becomes the slave of base passions and vile lusts; he introduces confusion and disorder into society, and brings misery and destruction upon himself. This, therefore, cannot be called a state of freedom, but a state of the vilest slavery and the most dreadful bondage. The servants of sin and corruption are subjected to the worst kind of tyranny in the universe. Hence we conclude that where licentiousness begins, liberty ends.<sup>31</sup>

We must not merely consider what a person wants but also what he *should* want. In valuing freedom as a good-in-itself, we have lost sight of what freedom is *for*. Not all choices are created equal. As West observes, we are most free when we use our freedom to perfect ourselves, and we perfect ourselves by making choices that respect the goods that are constitutive of our human nature. The "most perfect freedom," in other words, consists of the pursuit of truth and the rejection of error. Choices that are guided purely by emotion and passion are not liberating, but enslaving. True sexual liberation is not the freedom to do whatever we want with sex, but rather the freedom to flourish as we should.<sup>32</sup>

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<sup>&</sup>lt;sup>31</sup> West (1860).

<sup>&</sup>lt;sup>32</sup> Early versions of what eventually became this paper benefited from feedback by Ryan T. Anderson, Matthew Hoffman, Sara Kolmes, Georgia Rainer, and members of the Thomism Discussion Group. The second half of this paper benefited greatly from comments by an anonymous reviewer.

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