

THE SEX CODE

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The Sixty precepts

ARRANGEMENT OF HEADINGS

Summary

Note. Below is a collection of the sixty moral precepts which are set out in various places in the body of the book and constitute the Code. The numbers in square brackets after each precept is that of the page on which it appears.

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I. ETHICS AND SEX

The concept of secular morality

1. Though non-believers cannot accept religion, they acknowledge right and wrong. They wish to make the best of themselves, and out of common sympathy also wish the best for their fellow humans. Without any supposed divine command or revelation, they accept that human acts are moral, immoral or morally neutral. They perceive that this indicates the existence, in some sense that is real, of an objective standard of ethics (referred to in this book as 'the ethical code') whose sole base is in human reason and the human conscience. [4]

Secular sexual morality

2. In the sexual field we all have a duty to be good, that is to act morally. This is part of our general duty, laid down by the ethical code, to act morally in every area of our life. Because the ethical code requires us to strive at all times and in all ways to be virtuous, it follows that we should strive to be virtuous in our sexual life. Indeed, since sexual wickedness can cause untold harm and distress, the duty to be good is particularly strong in this area.[7]

The duty of ethical understanding

3. No one can be sure of acting morally in a given situation, or responding with moral correctness to the act of another, unless they know and understand what is called for by the ethical code. Therefore we should try to absorb its principles to the fullest extent of our capacity. This we may call the duty of ethical understanding.[7]

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The duty of ethical action

4. We should comply with the ethical code not only directly but indirectly. It guides our own sexual acts and also our response to the sexual acts of others. What we must not do ourselves, we must not countenance others doing. What it is our duty to do, it is our duty to help others do also. All this may be called the duty of ethical action.[8]

The present Code

5. Because the ethical code cannot be known in precise detail its prescriptions may be unclear in particular cases, and cannot be free from dispute. The present text (referred to in this book as 'the Code') attempts to formulate the ethical code, so far as it relates specifically to human

sexuality, in a form most likely to produce certainty and command agreement in the modern western secular culture.[9]

Interpreting the Code

6. It is important to bear in mind when reading the Code that its effect is intended to be cumulative. Each precept is subject to limitations stated elsewhere in the Code, and also by precepts of the ethical code not specific to sexual matters. The Code is concerned only with morality, and pays no regard to law or aesthetics. In the Code references to acts include omissions.[10]

II. ACCEPTING OUR SEXUALITY

The duty of sex-acceptance

7. Since we are all sexual beings we should look upon our own or another's sexual organs, functions and desires positively, with welcoming acceptance that they exist and work (the duty of sex acceptance). We should never look on them negatively, with dislike, regret or contempt. This does not mean that remediable sexual disorders ought to be accepted as they are, or that immoral sexual behaviour should be tolerated.[15]

Sex-guilt

8. Because of negative conditioning, guilt about the mere existence of sexuality (sex guilt) is endemic in western culture. Yet the duty of sex-acceptance means we should eschew this guilt in ourselves. Moreover we are under a duty not to implant or nurture guilt in another person, particularly a child, because of their sexual organs, functions or desires, or because of their sexual acts where these are not immoral. When we encounter such guilt we should where possible help to alleviate it.[47]

Sex in the workplace

9. If we have a job to do we should not let sex interfere with its proper execution. While accepting our sexuality, we should not therefore allow a sexual relationship with a fellow worker to become so demanding or stressful as to obstruct the work. If things do reach this stage, it may be our duty to seek other employment.[50]

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Nudity and exhibitionism

10. The duty of sex-acceptance requires us to tolerate the sight of the nude human body, even where because of the subject's advanced age or other factors it seems to us aesthetically unpleasing. We should refuse to countenance prudishness about the body or its functions, which can be harmful psychologically. On the other hand we need to recognise the effects of past negative conditioning, and not knowingly outrage another person by the sight or sound of any extreme sexual activity or display.[63]

Toleration of harmless sexual disorders

11. The duty of sex-acceptance requires us to tolerate the sexual disorders of others, except where they give rise to immoral acts. If however such a disorder is remediable we should where practicable assist in its cure.[74]

III. RESPECTING OUR SEXUALITY

The duty of sex-respect

12. Since sexuality is the source of all human life, and is of profound emotional concern to all human beings in the living of their lives, we should treat our own or another's sexual organs, functions and desires with respect, even reverence (the duty of sex-respect). We should therefore not commit any act that degrades or trivialises them.[75]

The right to sexual privacy

13. It is immoral, as contravening the right to privacy and the duty of sex-respect, for anyone, without the consent of the person in question, to gaze at or listen to the sexual activity of another person, whether directly or by means of a recording or listening device.[78]

Sex with animals

14. It is contrary to the duty of sex-respect for a human being to have sex with an animal.[86]

IV. FULFILLING OUR SEXUAL NATURES

The duty of sex-fulfilment

15. Because sexuality is an essential and vital part of the human constitution, we should develop and fulfil our sexual nature throughout life (the duty of sex-fulfilment). This does not mean that remediable sexual disorders ought to be accepted as they are, or that immoral sexual behaviour should be tolerated. However it does follow that we should help and encourage others, particularly the young, to achieve fulfilment in the sexual field as in any other area of life. Equally we should not deny old people sexual fulfilment or denigrate their pursuit of it. We should not condemn any sexual relationship on the ground of a disparity in the ages of the partners.[89]

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Acquiring and improving sexual techniques

16. As with most things in human life, satisfaction in sexual intercourse depends on knowledge and improves with practice. It is our duty to our partner and ourself to learn and practise the techniques needed to make the best of our sexual natures.[103]

Celibacy and chastity

17. Because they contravene the duty of sex-fulfilment, enduring celibacy and chastity are undesirable in the way that any other failure to fulfil one's human potential is undesirable.

This does not mean that young persons should be hurried into sexual experience before they are physically or emotionally ready.[104]

Sex for the disabled

18. (1) Apparent consent by a mentally incapacitated person to a sexual act cannot be taken as true consent where the incapacity is too great to permit the person to understand the full emotional and ethical significance of the act. Where however such a person would otherwise be condemned to involuntary celibacy or chastity it is not immoral to afford them sexual fulfilment with no more than their apparent consent, since in such circumstances the usual requirement of true consent is prevented from applying.[122]

(2) The duty of sex-fulfilment indicates that it is immoral to deny people a full sex life merely on the ground of their mental or physical incapacity. Those having charge of such people therefore have a duty to ensure so far as practicable that they are afforded suitable opportunities for such fulfilment, provided necessary contraceptive and other precautions are taken.[127]

Sex for service personnel

19. The duty of sex-fulfilment indicates that it is immoral to deny people a full sex life merely on the ground of their service in the armed forces or other state services. Those having charge of such people therefore have a duty to ensure so far as practicable that they are afforded suitable opportunities for such fulfilment.[130]

Sex for prisoners

20. A sentence of imprisonment inevitably restricts the prisoner's freedom of activity; indeed that is its social purpose. However the duties of sex-fulfilment and sex-respect indicate that we ought not to deny people a full sex life merely on the ground that they are state prisoners, just as we do not deny them food, drink and rest. Those having charge of such people therefore have a duty to ensure so far as practicable that they are afforded suitable opportunities for sexual fulfilment.[130]

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V. SEXUAL ACTS

Types of sexual act

21. Since the primary purpose of our sexual organs, functions and desires is reproduction of the species, contraceptive-free vaginal intercourse between a fertile male and female may be regarded as the primary sexual act. However healthy sexuality goes much wider than this, and no type of sexual act is to be condemned on the ground that it departs from the primary act.[131]

Consent to sexual acts

22. We ought not to touch another person sexually without their consent, whether explicit or reasonably inferred. Nor should we do any other act towards a person sexually (such as showing them a pornographic picture or exposing their nakedness) which is out of scale with any indication they have given regarding their willingness for this. Special considerations apply where the person is too young, or is otherwise unable, to give informed consent.[132]

Sexual harassment

23. We should not make sexual overtures to any person beyond a point where the recipient indicates refusal, disapproval or distress. If for any reason the other is or may feel coerced or otherwise subservient, we need to realise that the signs of rejection may be faint. That does not mean they are to be disregarded.[132]

Solitary sex

24. A sexual act (such as masturbation) is not immoral because done in solitude. Since young people are often ready for sex before they are mature enough to enter a sexual relationship with another person, solitary sex may for them be the most suitable form of early sexual activity and should not be condemned or discouraged by parents or others in authority. However, solitary sex may encourage narcissism, and lacks the richness that comes from a loving relationship with another. Where the subject is within a pair-bond, solitary sex may be immoral if it indicates a rejection of the partner.[136]

Troilism and orgies

25. The participation of more than two people does not render a sexual act immoral.[137]

Sex between persons of different race

26. It is morally neutral for a person of one race to have sex with a person of a different race, and it is therefore wrong to condemn persons of different races merely because they have sex together.[137]

Harmful sexual acts

27.-(1) Where it is known or suspected by either party to a prospective sex-act that one or other is or may be infected with any sexually transmissible

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disease it is their duty to ensure that adequate precautions are taken against infection.[137]

(2) If a person knows that an infected person is likely to contravene the previous rule (for example because they have themselves contracted disease from that person) it is their duty to help ensure that the infected person does not transmit the disease to others.[137]

(3) It is immoral for a person who knows or suspects that they are infected with any sexually transmissible disease to have sex with another person without first informing them of the fact.[138]

(4) It is immoral to have sex with another person by a method or technique that may cause either party physical or mental injury.[138]

VI. PAIR-BONDING AND MARRIAGE

Pair-bonding

28. It is common for sexually mature humans, whether heterosexual or homosexual in orientation, to form themselves into pair-bonds, that is couples who choose to link exclusively by means of enduring emotional-erotic ties. This bonding originates with the need of the human young for settled parenting during their lengthy period of infancy, and now has a deep emotional significance for humans generally. Accordingly the parties should strive to make the relationship fulfilling and enduring, particularly where children are being nurtured within the bond. Except in the case of an open relationship, outsiders should respect a pair bond and not intrude upon it with competing sexual demands.[139]

The social institution of marriage

29. The highest form of pair-bonding is secular marriage, whereby society formally recognises the tie and accords it special consideration in law and otherwise. Since married bonding is supported by social consensus and state institutions, since it increases the chances of happiness of any children of the union, and since it enhances the bond's prospects of permanence and success, it is morally preferable to unmarried bonding. The institution of marriage should not be withheld from homosexual couples or transsexuals.[142]

Open sexual relationships

30. An open marriage or other open sexual relationship is one where the partners agree that the relationship shall not be exclusive, so that a partner is free to have sex with outside persons. Because it can lead to their unhappiness, children should not be propagated or reared within an open sexual relationship.[142]

Passing as single

31. It is immoral for a married person to enter into a sexual relationship without informing the other person that he or she is married. Similar considerations apply to an unmarried person who is within a pair bond.[142]

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Adultery

32. Unless a marriage or other pair-bond is an open relationship or has broken down, it is immoral for one of the partners to have sex with anyone except the other.[143]

Sterilisation of a marriage partner

33. One party to a marriage should not undergo sterilisation without the consent of the other, since this operation fundamentally alters the nature and significance of the relationship of marriage.[143]

Incest

34. Incest may be morally objectionable on one or more of three grounds. It may (1) risk producing genetically defective offspring, or (2) grievously disrupt relationships within a family unit, or (3) constitute immoral exploitation of a younger person by an older relative. Where none of these conditions exist, incest is morally neutral.[144]

VII. CONCEPTION, PREGNANCY AND LACTATION

The decision to propagate

35. One of the most important decisions a person can take is the decision to propagate, that is to bring a new life into the world. It is an awesome responsibility. Accordingly the decision should be taken with great care, having due regard to the likely quality of life of the child and the effect of its arrival on other members of the family.[145]

Every child a wanted child

36. It is wrong deliberately to propagate a child unless it is wanted and the parents are able and willing to rear it properly. A child needs both parents, and therefore needs both parents to want it.[145]

Propagation of mixed-race children

37. Before a person has sex with a person of different race in a way that could produce a child it is their moral duty carefully to consider whether, having regard to the social difficulties often experienced by children of mixed race, and the genetic factors involved, it is morally right to do this in their case. If their sincere answer is yes, their propagation of the child is morally neutral, but they have a duty to recognise the difficulties the child may experience and help it to overcome them.[147]

Artificially induced pregnancies

38. (1) If the natural parents, that is the man and woman from whose bodies the sperm and ovum respectively derive, are pair-bonded to each other the fact that a pregnancy is caused by artificial insemination, or is otherwise artificially induced, is morally neutral.[147]

(2) Where parties to a pair bond accept insemination or implantation

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from a donor, this carries the same duties with respect to the resulting child as if both were its natural parents.[147]

(3) A woman who is within a pair bond ought not to accept insemination from a donor without the consent of her partner, and a man who is within a pair bond ought not to donate his sperm for another woman without the consent of his partner.[147]

(4) A man who donates his sperm, for example through a sperm bank, without knowing its destination, or a woman who similarly donates her ova, has no moral responsibility for the resulting child and is entitled to keep his or her identity secret from it.[148]

The defective foetus

39. A person ought not to take the decision to begin a pregnancy, or continue it while the foetus is still non-viable, when believing that the resulting child's quality of life is likely to be poor because of injury, disease or genetic defect.[149]

Adverse actions during pregnancy

40. Subject to the rules regarding abortion, during pregnancy the prospective mother ought not to take harmful drugs or other deleterious substances, or engage in any other activity that might endanger the wellbeing of the foetus.[150]

Breast-feeding in public

41. The duty of sex-respect forbids our objecting to breast-feeding in public. It is wrong to equate this, as some do, with the public performance of excretory functions.[150]

VIII. CONTRACEPTION

Morality of contraception

42. It is not immoral to use any type of medically approved contraceptive method, whether natural or artificial.[151]

Deceit as to possibility of conception

43. It is immoral for a person to deceive their sexual partner by falsely saying or implying that they are sterile or have taken adequate contraceptive precautions.[151]

IX. ABORTION

Abortion of non-viable foetus

44. It is not immoral for a pregnant woman who does not want the child to abort her foetus before it has become viable, provided no pain is inflicted on the foetus and the woman has carefully considered, and rejected as too distressing, the alternative of bearing the child and then offering it for

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adoption. Where the prospective mother and father are married to each other, or have a subsisting pair-bond together, the former should consult the latter before deciding on an abortion, and should carefully consider any arguments he may advance.[153]

Abortion of viable foetus

45. It is immoral for a pregnant woman to abort her foetus after it has become viable, except where this is necessary to preserve her life or health, because by that time (though not before) the foetus has developed into a person in its own right.[153]

Anti-abortion campaigning

46. It is immoral to distress a woman who is considering the abortion of her non-viable foetus by asserting that the abortion would be immoral, or by using dysphemisms such as 'baby' or 'child' for the foetus or 'murder' for the process of abortion.[153]

X. THE YOUNG

Parents' duty to rear their child

47. (1) The natural parents of a child should accept and discharge their responsibility to rear it unless circumstances render this impracticable.[155]

(2) It is the duty of the persons rearing a child to give it a secure and loving upbringing till adulthood.[155]

(3) If the child cannot be reared by its natural parents it is best that it be reared by a couple who are as near as possible in age and characteristics to the natural parents. To be reared by a lone parent, or by two persons of the same sex, may succeed. It is more likely however to be less than the best, since the child needs a close and extended view of rearers of both sexes in order to make sense of its world.[155]

Sex education

48. It is the duty of the persons rearing a child to ensure that it undergoes whatever sex education may be necessary to enable it progressively to learn the facts about human sexuality, and eventually to carry out its duties of ethical understanding and ethical action. Subject to this, a child-rearer who has not been proved to lack a genuine intention to promote the welfare of the child has the right to decide what it is to be taught about sex.[164]

Consent by young people to sexual acts

49. Apparent consent by a youngster to a sexual act with an older person is morally ineffective, and therefore counts as no consent, where the youngster is too immature to understand the nature and quality of the act, that is its physiological, emotional and ethical significance. Apparent consent by a youngster to a sexual act with an age-mate is however to be treated as morally effective. A test for whether a youngster who apparently consents to a sexual

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act really understands its nature and quality is whether, when maturity is attained, he or she would be likely to regret having committed the act.[170]

XI. HOMOSEXUALITY

Same-gender sex acts

50. It is not immoral to have sex with a person of the same gender.[194]

Discrimination against homosexuals

51. It is immoral to discriminate against a person on the ground that he or she is a homosexual (whether practising or not).[194]

Promoting homosexuality

52. It is not immoral to advance the view that homosexuality is a natural condition rather than a remediable disorder, that homosexuals are to be encouraged to enhance their lifestyle, or

that a good family life is possible for homosexuals and others (including children) associated with them.[194]

XII. PROSTITUTION

Payment for sex

53. It is not immoral to make or receive payment for a sexual service willingly rendered. The duty of sex-fulfilment may require a person to pay for what they need rather than go without.[210]

Treatment of prostitutes

54. The duty of sex-respect requires that prostitutes of both sexes should be well treated and never degraded. They serve a useful and valid social purpose.[210]

XIII. PORNOGRAPHY

Categories of pornography

55. Pornographic, that is explicitly sexual, material can be divided into: (1) non-erotic material; (2) perverted or debased material, (3) stimulative or erotic material, (4) educational and artistic material, and (5) political or destabilising material. Given material may fall into more than one of these categories.[221]

Non-erotic pornography

56. Non-erotic pornography, namely sexually explicit material without erotic content, is morally neutral.[239]

Perverted or debased pornography

57. Perverted or debased pornography is immoral because it contravenes the

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duty of sex-respect by denigrating human sexuality through associating it with violence, cruelty or bestiality, or otherwise depicting it in degraded form.[240]

Stimulative pornography

58. Stimulative pornography has the effect of initiating or enhancing sexual desire. The duties of sex-acceptance and sex-fulfilment, together with the principle of free speech, require such pornography to be treated as not immoral, provided the nature and provenance of the material does not infringe the duty of sex-respect or any other ethical principle, such as the duty of consideration for a spouse or the requirement of consent to participation by models. That this kind of pornography causes the commission of immoral acts such as rape is unproved

generally. On balance more such acts might be committed if this material were not available for masturbatory use.[249]

Educational and artistic pornography

59. Educational and artistic pornography is morally good as being in the interests of science, literature, art (including drama, opera and ballet) or learning, or of other objects of general concern.[264]

Political or destabilising pornography

60. Political or destabilising pornography uses explicitly sexual material to make political points, and may therefore be subversive. The duty of sex-acceptance and the principle of free speech require such pornography to be treated as not immoral.[266]