Kant and Sex Ethics

Sex before marriage

'Purity rings' worn by people who pledge no sex before marriage. Dan Ariely claims that giving kids condoms works better, as people behave irrationally when aroused (and break pledges).

Categorical Imperative - Lawmaking member of a Kingdom of Ends

- The possibility of an illegitimate child was an issue for Kant. He said: "A
 child that comes into the world apart from marriage is born outside the
 law."
- Kant did believe in autonomy- if the couple were practicing safe sex, a modern Kantian might support their right to have sex before marriage.
- "If a man and a woman have the will to enter on reciprocal enjoyment in accordance with their sexual nature, they must necessarily marry each other; and this necessity is in accordance with the juridical laws of pure reason."
- Kant believed that in having sex, we were allowing someone to use us to fulfil their desires (as a means to an end). We can only do so if we first get married, giving ourselves to the other person in law, so that we have a common will. "If I yield myself completely to another and obtain the person of the other in return, I win myself back... In this way the two persons become a unity of will."

Homosexuality

The act of gay sex; civil partnerships (UK 2004); gay adoption; gay clergy – <u>Jeffrey John</u>, CofE vicar in a celibate civil partnership was the UK's first 'gay bishop'.

Free will; Autonomy

- Kant's theory supports the notion of gay rights, that we are all free and autonomous, and should be able to choose our own sexual partners.
- Kant himself thought that by giving in to our desires, we are surrendering our humanity, giving up our autonomy, and allowing ourselves to become slaves to our passions.
- In unnatural sex acts like homosexuality, we become 'beneath the beasts', whose unthinking behaviour is at least in tune with their nature.

Marriage, Divorce and Remarriage

The nature of marriage, including roles within marriage; arranged marriage; polygamy; open marriages; 50% of UK marriages now end in divorce (2008 Office of National Statistics).

Good Will; Duty; Deontology

- Marriage involves giving ourselves completely to another person, becoming
 a 'unity of wills', so that I am not merely used as a means to an end in sex
 (sex objectifies us; marriage gets around this. Put another way, to have
 rights to someone's sexual attribute, you have the right to the whole
 person, "since a person is an absolute unity". You cannot have this right
 without giving them the right to your own person.).
- Marriage involves a promise of life-long commitment. For Kant, we have a
 perfect duty not to break promises, so divorce seems wrong.
- Kant's theory, however, and the idea of an exchange of rights over one
 another, need not involve a life-long commitment. It couldn't be just a
 one-night stand, as this wouldn't really be a full exchange of rights in the
 way Kant feels is necessary. However, if a marriage has broken down and
 cannot be reconciled, Kantians could agree with divorce.

Prostitution (legal in the UK)

Commercial sexual exploitation, including many vulnerable homeless children; sex trade across Europe is rife; <u>Liverpool City Council</u> proposed a 'managed zone', not 'zero tolerance'.

Categorical Imperative – Ends in themselves

- Kant demands respect for all people, and prostitution is a great way to show everything that Kant feels can be wrong with sex. Prostitutes are allowing themselves to be used and not valued, and people who use prostitutes are throwing away their own humanity
- "If, for instance, a woman cannot preserve her life any longer except by surrendering her person to the will of another, she is bound to give up her life rather than dishonour humanity in her own person, which is what she would be doing in giving herself up as a thing to the will of another."
- "Neither can we without destroying our person abandon ourselves to others in order to satisfy their desires, even though it be done to save parents and friends from death."

Contraception

Different forms of contraception; church views on contraception; use of condoms to prevent AIDS (recent <u>comment by the Pope</u>).

Categorical Imperative – Universalisability

- If you universalise the use of contraception, there wouldn't be anyone around to use it it's self contradictory
- However, Kant said: "it is not requisite for human beings who marry to make [procreation] their end" and "enjoyment in the reciprocal use of the sexual endowments is an end of marriage"
- It would be possible to universalise principles of family planning, allowing couples to decide when they wanted to have children

Adultery

What constitutes adultery? Second Life adultery (virtual sex leads to real-life divorce); sex with spouse's consent (e.g. if partner left with serious disability and unable to have sex)

Self-contradiction (Perfect duties)

- Adultery is specifically extramarital sex. If you universalised the concept of adultery, and everyone had sex with people regardless of whether they were married or not, being married would not mean anything. Whilst it is possible to imagine a society where people have casual sexual relationships, it is logically self contradictory to imagine one where people constantly have sex with people who are married to someone else. If that were the case, being married wouldn't mean anything.
- However, people do have open marriages, and sex is not the only reason to get married. Although Kant himself would disagree (see his views on marriage), a modern Kantian might agree with an open marriage, where a couple agreed that they could both have sex with other people.

Consent

Age of consent (13 in Spain, 18 in Malta; Canada 'Romeo and Juliet' laws allow 11 year olds sex with someone 1 or 2 yrs older); sex while under the influence of drugs; people with learning disabilities

Rationality

- Rationality is the central defining feature of human beings. It is what enables us to autonomous, self-ruling, free. It means we can make moral choices.
- The decision about whether to have sex or not is a moral decision, and can therefore only be made by someone who is capable of acting rationally.
- This would not include anyone who was drunk or under the influence of drugs; children whose rational capacity was limited; people who lacked the mental capacity for rational though, such as adults with severe learning disabilities.

Masturbation

Church teaching (mortal sin; 'spilling the seed'); medical/ psychological benefits; IVF and sperm donation; 23% brought up in religious homes shamed for masturbation (6% in non-religious)

Contradiction of the will (Imperfect duty)

- This is one of the weakest parts of Kant's theory. Would a rational person will (choose) that we should live in a world where people masturbated?
 For Kant, the answer was obvious:
- 'A man gives up his personality ... when he uses himself merely as a means for the gratification of an animal drive.'
- However, many other rational people have no problem with masturbation, so there is no clear or definitive answer for Kantians. It would come down to whether masturbation was an autonomous act of a free moral agent, or an act of giving up our freedom (and our humanity) by giving in to an animal drive.

Pornography

<u>Channel 4 "The dark side of porn"</u>. Porn includes unsafe sex (without condoms); violence; danger and degradation for actors; corrupting for viewers; encourages misogyny; bestiality etc.

Categorical Imperative - Law of Nature

- "Lust [the "impetus" to sexual "pleasure"] is called unnatural if one is aroused to it not by a real object but by his imagining it, so that he himself creates one, contrary to [natural] purpose."
- Kant would have said that pornography was unnatural. Let us imagine a
 law of nature involving pornography. It is easy to see Kant's problem with
 being aroused by imaginary objects. If this was a law of nature, would
 people ever have sex.
- Some couples use pornography as foreplay it may even be necessary to enable sex to work for the couple. It seems possible that 'pornography as foreplay' could work as a law of nature.
- Kant would also be concerned with making pornography as well as viewing it. Here it is harder to imagine a law of nature where we are all porn-stars.

Utilitarianism and Sex Ethics

Sex before marriage

'Purity rings' worn by people who pledge no sex before marriage. <u>Dan Ariely</u> claims that giving kids condoms works better, as people behave irrationally when aroused (and break pledges).

Consequentialist

As Dan Ariely argues, young people are going to have sex. The important thing is to reduce bad consequences like unwanted pregnancies and STDs. Utilitarians would support the freedom to have sex before marriage along with better education about the consequences. They may support making the morning after pill available over the counter, although studies showed this led to an increase in casual sex at Christmas parties, and a higher rate of STDs with no drop in unwanted pregnancies.

Homosexuality

The act of gay sex; civil partnerships (UK 2004); gay adoption; gay clergy – <u>Jeffrey John</u>, CofE vicar in a celibate civil partnership was the UK's first 'gay bishop'.

Preference Utilitarianism

Singer wants to be liberal, weighing up people's preferences, and would claim his utilitarianism is more enlightened than religious ethics. He would even allow a brother and sister to have sex if using a condom. The problem with preference utilitarianism is that in countries like Iran, where the religious majority would prefer to ban homosexuality, utilitarianism would have to support this. Singer has no good answer to the 'tyranny of the majority' criticism.

Marriage, Divorce and Remarriage

The nature of marriage, including roles within marriage; arranged marriage; polygamy; open marriages; 50% of UK marriages now end in divorce (2008 Office of National Statistics).

Individual Sovereignty, Liberty

"Two persons of cultivated faculties, identical in opinions and purposes, between whom there exists that best kind of equality, similarity of powers and reciprocal superiority in them... this, and this only, is the ideal of marriage." *Mill.* Utilitarians accept that marriage may bring happiness, but if it fails, divorce must be an option. Mill thought most married women were treated like slaves, and argue for equality in marriage. Utilitarians would support open marriages if both people were happy.

Prostitution (legal in the UK)

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Interests (Singer)

"Laws requiring the wearing of seatbelts save many lives. Laws prohibiting prostitution do no evident good at all, and may well do harm." Singer. The argument is that prostitution happens, and it is better to make it legal so that it can be made safe. The proposal in Liverpool would consider the interests of sex workers – a controlled zone can be policed – customers, and other people who don't want prostitutes on the streets around the whole city.

Contraception

Different forms of contraception; church views on contraception; use of condoms to prevent AIDS (recent comment by the previous Pope).

Teleology

Utilitarians are completely at odds with the Catholic Church on contraception. Condoms prevent STIs and unwanted pregnancy, so should be freely available to all people. The comment by Pope Benedict about the use of condoms to prevent infection appeared to support utilitarian arguments. For utilitarians, it is the end that makes an act right; using contraceptives allows family planning and safe sex.

Adultery

What constitutes adultery? Second Life adultery (virtual sex leads to real-life divorce); sex with spouse's consent (e.g. if partner left with serious disability and unable to have sex)

Rule Utilitarianism

Adultery involves cheating on a spouse, which can destroy trust in a relationship and lead to resentment. Rule utilitarians might argue that, as a rule, adultery is a bad thing. However, they may support open marriages, and some rule utilitarians may not see adultery as a problem at all. Maryse Valliant, a French psychologist, claimed that having a mistress can improve a marriage.

Consent

Age of consent (13 in Spain, 18 in Malta; Canada 'Romeo and Juliet' laws allow 11 year olds sex with someone 1 or 2 yrs older); sex while under the influence of drugs; people with learning disabilities

Principle of Utility

Sex without consent is very damaging, so consent is one of the few principles in sex ethics that is demanded by the principle of utility. The age of consent in Europe ranges from 13-18, and in some cases this is due to practical considerations. The law aims to protect those who are too young to consent while giving freedom to those old enough to enjoy sex. In Canada, the decision not to prosecute young people who have sex under age is a flexible, pragmatic response.

Masturbation

Church teaching (mortal sin; 'spilling the seed'); medical/ psychological benefits; IVF and sperm donation; 23% brought up in religious homes shamed for masturbation (6% in non-religious)

Higher Pleasures

Utilitarians disagree with the idea of 'sexual purity', and think masturbation is natural and healthy. Religion makes people feel ashamed of their natural urges. However, masturbation and pornography may not always lead to higher pleasures. Mill was very happily married and would think porn addiction prevents people from finding meaningful, fulfilling relationships that bring higher pleasures.

Pornography

<u>Channel 4 "The dark side of porn"</u>. Porn includes unsafe sex (without condoms); violence; danger and degradation for actors; corrupting for viewers; encourages misogyny; bestiality etc.

The Harm Principle

Utilitarians would have a liberal view on pornography, not seeing any forms of porn as inherently 'degrading' or unnatural. However, they would have concerns about people being harmed in the making of pornography. An individual's sexual fantasies, insofar as they don't harm anyone, are their own business, but if people are harmed making porn, this would be a serious concern for utilitarians.

Virtue Ethics and Sex Ethics

Sex before marriage

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Eudaimonia

Virtue Ethics aspires to human fulfilment. Vardy argues that this involves having deep, meaningful relationships. Virtue Ethicists would have no hang-ups about premarital sex, but would be unlikely to see casual, recreational sex as part of eudaimonia. A fulfilled person may have had a few sexual partners as they try to understand their sexuality, but will ultimately find a longer term, deeper relationship based on mutual respect and love more fulfilling.

Homosexuality

The act of gay sex; civil partnerships (UK 2004); gay adoption; gay clergy – <u>Jeffrey John</u>, CofE vicar in a celibate civil partnership was the UK's first 'gay bishop'.

Telos

Natural Law sees the telos of sex as reproduction, but modern virtue ethicists have a much fuller understanding of the purpose of human life. For a gay man, celibacy is unlikely to meet their basic human needs. Jeffrey John has found fulfilment in a long term celibate relationship, and this may show that sex is not as important as friendship. However, most virtue ethicists would not see celibacy as a virtue.

Marriage, Divorce and Remarriage

The nature of marriage, including roles within marriage; arranged marriage; polygamy; open marriages; 50% of UK marriages now end in divorce (2008 Office of National Statistics).

Friendship

Virtue ethics recognises the importance of friendship as part of eudaimonia. This does not require marriage, but some virtue ethicists see marriage as an ideal place to develop virtues like honesty, generosity and commitment. Accepting divorce for some couples might be part of their journey towards eudaimonia, and remarriage could be seen as a second chance to find a special friendship.

Prostitution (legal in the UK)

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Good of the community

Michael Slote, a modern virtue ethicist, recognises the importance of empathy and care in sexual ethics. We need to care for those we are close to, for the wider society and for ourselves. He supports tolerance in the way we view prostitutes and the 10% of men who have paid for sex. He also recognises the need to look after sex workers and see them as fully human. Raja Halwani argues that prostitution can be compatible with virtue if we see sex workers in a new light.

Contraception

Different forms of contraception; church views on contraception; use of condoms to prevent AIDS (recent comment by the Pope).

Cardinal Virtues - Wisdom

For Catholics, contraception cheapens sex, but an absolute response leads to unwanted pregnancies and STDs. The most important virtue, wisdom, helps here. Practical wisdom (phronesis), based on experience, will recognise that people will have sex whatever you do, so will provide free condoms etc, but would also know that young people need to be educated about how sex affects us psychologically and emotionally as well as physically, helping them become wiser about sex.

Adultery

What constitutes adultery? Second Life adultery (virtual sex leads to real-life divorce); sex with spouse's consent (e.g. if partner left with serious disability and unable to have sex)

Nobility

Other theories might disagree about whether virtual sex is technically adultery or not. Utilitarians might argue if it doesn't hurt anyone, how can it be wrong? Virtue Ethics calls us to a higher standard as human beings. Aristotle's idea of high-mindedness might be translated 'be the best you can be' and in terms of faithfulness, it links to Jesus' idea that being unfaithful in thought is as bad as actually having a physical affair. Flirting, online sex, one night stands etc are ignoble.

Consent

Age of consent (13 in Spain, 18 in Malta; Canada 'Romeo and Juliet' laws allow 11 year olds sex with someone 1 or 2 yrs older); sex while under the influence of drugs; people with learning disabilities

Heroes

Virtue Ethics highlights the importance of positive role models. Rather than giving a specific age of consent, which different countries fail to agree on, they would suggest celebrating those who have positive sexual relationships. In Christian churches, if a youth-worker was having casual sex, they would lose their job, as they are meant to be role models for responsible sexual practice.

Masturbation

Church teaching (mortal sin; 'spilling the seed'); medical/ psychological benefits; IVF and sperm donation; 23% brought up in religious homes shamed for masturbation (6% in non-religious)

Doctrine of the Golden Mean – Temperance

Virtue Ethics doesn't take the Catholic line on masturbation as a mortal sin — it is a natural act that 95% of people engage in. They may see the Catholic position as harmful and unhelpful, but likewise you need to have a balance. It's not just that overindulging in masturbation is excessive, but showing self-control helps develop temperance which can help you resist the temptation to be unfaithful.

Pornography

<u>Channel 4 "The dark side of porn"</u>. Porn includes unsafe sex (without condoms); violence; danger and degradation for actors; corrupting for viewers; encourages misogyny; bestiality etc.

Cardinal Virtues – Justice

Virtues are not just about our own personal development. Justice is a cardinal virtue and demands that we treat others fairly. Many virtue ethicists believe we have gone too far in accepting pornography without safeguards for porn stars. Forcing actors to have sex without condoms is unjust, and virtue ethics would require fair laws in the production of pornographic films and other material.

Natural Law and Sex Ethics

Sex before marriage

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Apparent goods

Many young Christians argue that sex before marriage is not a problem, particularly if you are in a committed relationship or engaged. It brings joy and deepens the relationship. However, Aquinas would have called this an apparent good. Real goods come from acting according to our purpose, and as the primary purpose of sex is reproduction, it is only good within marriage.

Homosexuality

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Reproduction

One of our primary precepts is to reproduce, so the Catholic Church has derived a secondary precept saying the act of gay sex is wrong. The Church says gay men should remain celibate. Some Natural Law theologians disagree, as celibacy doesn't lead to reproduction either. They would look at other Primary Precepts, like 'ordered society', and argue that it is good for gay men to be in relationships.

Marriage, Divorce and Remarriage

The nature of marriage, including roles within marriage; arranged marriage; polygamy; open marriages; 50% of UK marriages now end in divorce (2008 Office of National Statistics).

Primary Precepts - Ordered Society

Following on from above, some Christians who support marriage suggest gay marriage makes sense for all the same reasons that marriage is important. Society needs to recognise the value in a lifetime commitment. However, many Christians worry that it's a slippery slope – we might then accept polygamy (marrying more than one person) and this undermines the exclusivity of marriage, failing to provide a structure for society.

Prostitution (legal in the UK)

Commercial sexual exploitation, including many vulnerable homeless children; sex trade across Europe is rife; <u>Liverpool City Council</u> proposed a 'managed zone', not 'zero tolerance'.

Primary Precepts - Protect and preserve the innocent

There are tremendous concerns about the safety of sex workers around the world and in the UK. This is a problem for Natural Law, as it sees prostitution as a wrong act that should not be allowed. However, even Aquinas recognised that it will happen, and the theory would want to make sure that any laws protected all people, especially those who are most vulnerable, as prostitutes often are.

Contraception

Different forms of contraception; church views on contraception; use of condoms to prevent AIDS (recent comment by the Pope).

Double Effect

Contraception is always wrong according to Natural Law. However, if a condom is used to prevent the spread of AIDS, is it being used as a contraceptive? Many Catholic women have used Double Effect in taking the pill. The pill is prescribed to regulate their monthly cycles, which is acceptable, but an unintended effect is to prevent pregnancy. Aquinas would have questioned the true intention behind prescribing the pill.

Adultery

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Secondary Precepts, moral absolutes

Natural Law appears to give strong support to marriage with an absolute (also one of the ten commandments) that adultery is wrong. However focussing on rules may be unhelpful, as some would argue that it is not technically adultery to have an online affair. Some Christians prefer to focus on virtues like honesty, saying that faithfulness is more about openness than whether you actually have sex with someone else.

Consent

Age of consent (13 in Spain, 18 in Malta; Canada 'Romeo and Juliet' laws allow 11 year olds sex with someone 1 or 2 yrs older); sex while under the influence of drugs; people with learning disabilities

Reason

Reason was given the highest standing by Aquinas. As such, Natural Law would say that it is wrong to have sex before you are old enough to rationally understand what it really means. They would disagree with pragmatic solutions like the laws in Canada, although there is no clear agreement on the age at which you can properly understand what sex truly means.

Masturbation

Church teaching (mortal sin; 'spilling the seed'); medical/ psychological benefits; IVF and sperm donation; 23% brought up in religious homes shamed for masturbation (6% in non-religious)

Efficient and Final Causes

An orgasm is accompanied by intense pleasure, and Darwinians recognise that this motivates people to have sex. However, this is like being paid to be, say, a teacher. It is only the efficient cause (sadly, we wouldn't teach if there was no money at all), but it is not the real reason to do it. Likewise, the final cause of sex is reproduction, so to masturbate simply for the pleasure of orgasm is, for Natural Law, wrong.

Pornography

Channel 4 "The dark side of porn". Porn includes unsafe sex (without condoms); violence; danger and degradation for actors; corrupting for viewers; encourages misogyny; bestiality etc.

Primary Precepts - Education

Natural Law would not support the use of pornography to fulfil an individual's desires (see above on the final cause of sex). However, the Joy of Sex is an illustrated sex manual with graphic images, and Catholics may be happy with this if it educated people about sex. It is not pornography if it is intended to educate rather than arose.

Situation Ethics and Sex Ethics

Sex before marriage

'Purity rings' worn by people who pledge no sex before marriage. <u>Dan Ariely</u> claims that giving kids condoms works better, as people behave irrationally when aroused (and break pledges).

Love decides there and then

Purity rings don't fit with Situation Ethics, which believes you should be free to choose, in any situation, what to do. A better approach for situationists would be to make sure young people have condoms, so that if they do choose to have sex, they will not catch STDs or have unwanted pregnancies. If someone had made a pledge, Situation Ethics would say that they are always free to break their pledge.

Homosexuality

The act of gay sex; civil partnerships (UK 2004); gay adoption; gay clergy – <u>Jeffrey John</u>, CofE vicar in a celibate civil partnership was the UK's first 'gay bishop'.

6 Fundamental Principles – Love is the only norm

Many Christians believe there are absolute rules about having gay sex. They point to controversial passages in the Bible, and other Christians disagree about what these passages mean. Situationists don't really care what the rules are anyway, as the only rule is love. They would say that if two men love each other, they should be able to have sex, get married, or do whatever is in their interests.

Marriage, Divorce and Remarriage

The nature of marriage, including roles within marriage; arranged marriage; polygamy; open marriages; 50% of UK marriages now end in divorce (2008 Office of National Statistics).

4 Working Principles - Relativism

The Catholic Church criticises our relativist society, giving increasing divorce rates as an example. Relativists disagree, and don't see the problem with divorce – if a marriage hasn't worked out, why not divorce? They may claim that in the past, more people were stuck in unhappy marriages, so actually our society is now doing much better as people are free to divorce and remarry.

Prostitution (legal in the UK)

Commercial sexual exploitation, including many vulnerable homeless children; sex trade across Europe is rife; <u>Liverpool City Council</u> proposed a 'managed zone', not 'zero tolerance'.

4 Working Principles - Pragmatism

A situationist would be very upset with reports of violence against prostitutes in the UK. The suggestion by Liverpool City Council seems like a pragmatic response. One in ten men have paid for sex, so you can't stop people selling themselves on the streets. It is much better to let this happen in a controlled area that you can police, protecting prostitutes and their clients.

Contraception

Different forms of contraception; church views on contraception; use of condoms to prevent AIDS (recent comment by the Pope).

Agape

For situationists, the Catholic position on contraception is one of their biggest concerns, as it leads to the spread of AIDS and unwanted pregnancies. This doesn't seem like the most loving way of treating people. Agape demands love for those unwanted babies, for the children born with AIDS because their parents didn't use condoms etc.

Adultery

What constitutes adultery? Second Life adultery (virtual sex leads to real-life divorce); sex with spouse's consent (e.g. if partner left with serious disability and unable to have sex)

Situationist, not legalist or antinomian

There are people who will not have an affair because it goes against the rules – you are not allowed to commit adultery. Situation Ethics might say this is sad and wrong. Following rules legalistically doesn't create happy marriages. This said, the general idea that you shouldn't commit adultery is one they would support. They would just say it is a rule that can, at times, be broken.

Consent

Age of consent (13 in Spain, 18 in Malta; Canada 'Romeo and Juliet' laws allow 11 year olds sex with someone 1 or 2 yrs older); sex while under the influence of drugs; people with learning disabilities

Teleological

There can't be a universal age of consent – each society should decide for themselves. In the developing world, you are much more likely to die young, so it makes sense to start having sex earlier. You need a teleological approach that looks at the outcome of having a certain age of consent, rather than trying to find some way of making it a universal law.

Masturbation

Church teaching (mortal sin; 'spilling the seed'); medical/ psychological benefits; IVF and sperm donation; 23% brought up in religious homes shamed for masturbation (6% in non-religious)

4 Working Principles - Personalism

The rule about not masturbating is harmful, and you should put people first. Having the rule doesn't work — religious people still masturbate, but they end up feeling guilty about it. Much better to get rid of the rule and allow people to masturbate.

Pornography

<u>Channel 4 "The dark side of porn"</u>. Porn includes unsafe sex (without condoms); violence; danger and degradation for actors; corrupting for viewers; encourages misogyny; bestiality etc.

6 Fundamental Principles – Love is the only norm

There are a lot of types of pornography that cause harm to the actors involved and the people who watch it. Situation Ethics would be against harm. However, they would not see any type of fetish as intrinsically wrong if it didn't cause harm, so they would accept things much more broadly. Like Singer, they may ask whether bestiality and incest are actually wrong if they don't hurt anybody.,,