

## NL vs SE

**Thesis:** The argument put forward is that Situation ethics is much more successful than Natural Law in its approach to sexual ethics because it provides an approach which is not only universally applicable but also values people's autonomy.

**Introduction:** Aquinas's NL determines that homosexuality and premarital sex is immoral arguing that it does not align with the primary precept, whose importance has been heavily emphasised in discussion of sexual ethics. It is heavily influenced by Catholicism, and takes a much more conservative approach to sexual ethics. Whereas Fletcher's morality is designed to give people greater permissiveness, which is developed from liberal Christian ethics using the 4 working principles and the central principle of agape. This question raises issues concerned with whether or not homosexuality and sex outside of marriage can be part of leading a moral life.

**Paragraph one:** Situation is successful in its approach because it puts each individual at the centre of its ethics as opposed to creating general rules and becoming ignorant of factors that affect and vary each situation, as more absolutist theories tend to do. Situation ethics shows those in Fletcher's example titled "Sacrificial Adultery". In this example, a woman is separated from her family in WW2, but learns that if she falls pregnant she will be sent back to Berlin to be with her family. Therefore she sleeps with the prison guard to fall pregnant despite being married. We can justify her actions according the four working principles: firstly pragmatism- as the ends justify the means- the benefits of being reunited with her family outweigh the adultery, secondly relativism- clearly the facts of the situation demand that the most loving thing to do is to help her family. 'Do not commit adultery' is not absolute and is only relevant if harm and suffering is caused. Thirdly, Positivism- the intent is positive and loving therefore we can condemn her. Lastly, the emphasis of each individual and situation is the best approach because it will ultimately lead to the most loving outcome. In this case, the child is loved and accepted as part of the family. Overall the wife's sacrificial act was done out of love and respect for her husband.

**Criticism:** However, some may argue that Situation ethics undermines God's law and its sexual 'permissiveness' is simply a license to have sex without commitment. Therefore we should take a more conservative approach through Natural Law which protects innocent lives through application of the primary precepts in sexual ethics. NL gives high regard to marriage arguing that this is only form of a sexual relationship that fulfils a unitive and procreative function, which supports the precepts of reproduction, ordering society and education. NL would argue that the example of "Sacrificial adultery" is a misuse of sex. Despite appearing like a real good, it is an apparent good because it is not fully good because it does not enhance or fulfill the purpose of a human being. In addition the child is now being raised in an environment which is not right to raise and educate the child in. The child is not raised in a family where the marriage is between its biological parents and this is wrong because it disorders society, and does not provide the best upbringing.

**Counter argument:** However, Situation ethics is successful because it recognises that marriage is not an intrinsic good- it suits some people and not others. Again, I emphasise the importance of putting people first as SE does, as Fletcher teaches that what really matters is that the couple treat each other as companions and friends. His approach gives permission to people to live freer happier lives and the question the traditions they have been brought up in.

**Counter argument:** Natural Law is unsuccessful because it represses people's freedom and autonomy. All forms of sexual behaviour should be tolerated as long as the choice is freely chosen. According to Mill's liberty principle, Adultery can be accepted according to Mill's liberty principle if both partners in the marriage consent to each other having a sexual relationship outside marriage. This emphasises why it is necessary to approach each situation and the context in which it is in. **Evaluation.**

**Paragraph two:** Some may argue that Natural Law is successful in its approach to sexual ethics because it reflects Divine law where humans are instructed by God to be 'fruitful and multiply'. Traditionally natural law has rejected homosexuality as there is no procreative aspect, which goes against the primary precept to reproduce. Aquinas

# **Sex Preferences And Family Essays On Law And Nature**

**William May, Ronald Lawler, Joseph  
Boyle**



## **Sex Preferences And Family Essays On Law And Nature:**

**Sex, Preference, and Family** David M. Estlund, Martha C. Nussbaum, 1998-06-18 The public furor over issues of same sex marriages gay rights pornography and single parent families has erupted with a passion not seen since the 1960s This book gathers seventeen eminent philosophers and legal scholars who offer commentary on sexuality including sexual behavior sexual orientation and the role of pornography in shaping sexuality on the family including both same sex and single parent families and on the proper role of law in these areas The essayists are all fiercely independent thinkers and offer the reader a range of bold and thought provoking proposals Susan Moller Okin argues for instance that gender ought to be done away with that differences in biological sex ought to have no more social relevance than one's eye color or the length of one's toes and she urges that we look to same sex couples as a model for households and families in a gender free society And Cass Sunstein suggests that the Supreme Court case *Loving vs Virginia* which overthrew the ban on interracial marriages in Virginia might be a precedent for overturning laws that bar same sex marriage just as *Loving* overturned miscegenation laws because they were at the service of white supremacy Sunstein shows the laws against same sex marriages and homosexuality are at the service of male supremacy and might also be overturned Of vital importance to anyone interested in sexuality homosexuality gender feminism and the family *Sex Preference and the Family* both clarifies the current debate and points the way toward a less divisive future

*Sex, Preference, and Family* David M. Estlund, Martha Craven Nussbaum, 2023 A collection of essays examining the relationship between nature and law the personal and the political Some focus on the grey area of what is natural others on areas thought to be natural rather than socially shaped A variety of disciplines particularly philosophy political science and law contribute to the debate

**Against Marriage** Clare Chambers, 2017 *Against Marriage* argues that marriage violates both equality and liberty and should not be recognized by the state Clare Chambers shows how feminist and liberal principles require creation of a marriage free state one in which private marriages whether religious or secular would have no legal status Part One makes the case against marriage Chambers investigates the critique of marriage that has developed within feminist and liberal theory Feminists have long argued that state recognised marriage is a violation of equality Chambers endorses the feminist view and argues in contrast to recent egalitarian pro marriage movements that same sex marriage is not enough to make marriage equal The egalitarian case against marriage is the most fundamental argument of *Against Marriage* But Chambers also argues that state recognised marriage violates liberty including the political liberal version of liberty that is based on neutrality between conceptions of the good Part Two sets out the case for the marriage free state Chambers criticizes recent arguments that traditional marriage should be replaced with either a reformed version of marriage such as civil partnership or a purely contractual model of relationship regulation She then sets out a new model for the legal regulation of personal relationships Instead of regulating by status the state should regulate relationships according to the practices they involve Instead of regulating relationships holistically assuming that

relationship practices are bundled together in one significant relationship the marriage free state regulates practices on a piecemeal basis The marriage free state thus employs piecemeal practice based regulation It may regulate private marriages including religious marriages so as to protect equality But it takes no interest in defining or protecting the meaning of marriage

**Catholic Sexual Ethics** William May, Ronald Lawler, Joseph Boyle, 2011-08-25 The authoritative work on the Church's teaching on sexual morality has been thoroughly updated to address dimensions of this complex topic that have emerged in the late 20th and early 21st centuries Since publication of the 2nd edition of Catholic Sexual Ethics the philosophical landscape of human sexuality has dramatically changed The rise of such concerns as moral relativism the drive for same sex unions and a drastic redefinition of marriage and family have underscored the need for an unambiguous up to date understanding of Catholic sexual teaching Features Summary of Catholic teaching on sexuality from biblical times to our own Presentation of principal elements of the teaching of Pope Benedict XVI on marriage in the early years of his pontificate Discussion of the Congregation for the Doctrine of the Faith's 2003 Considerations Regarding Proposals to Give Legal Recognition to Unions Between Homosexual Persons Integration of more recent materials that clarify issues into the existing framework of the book Whether you are involved in ministry education or catechesis you will benefit from having this essential resource near at hand

Immovable Laws, Irresistible Rights Christine Pierce, 2000 Same sex partnerships Pregnancy through in vitro fertilization Ending one's own life in dignity All are deemed inherently wrong by the standards of natural law ethics but for many people they represent legitimate life choices that are morally right Now a leading feminist critic of the natural law tradition explores the ongoing confrontation between natural law and moral rights to argue that rights constitute a more solid grounding for ethics in human affairs and for feminist thought In this volume Christine Pierce's important essays including the celebrated Natural Law Language and Women expand reflect and refine this central controversy Reaching back to Aristotle and Aquinas and drawing on modern papal encyclicals and Supreme Court cases Pierce demonstrates that the natural law tradition with its doctrine of a supposed hierarchy of natural purpose has served to mystify women's nature and thereby justify restricting women to a predetermined social stratum Addressing issues that concern not only feminism but legal theory as well she defends her views on equality and universalization against a growing postmodern critique and presents rights theory as an alternative to an ethics of responsibility based on Aristotelian notions of friendship and trust Through tightly constructed arguments presented in engaging prose Pierce conveys her deep knowledge of legal philosophy and her passion for rights as she takes on such issues as AIDS gay marriage animal liberation and feminist separatism She combats the prevailing view of Plato as sexist and explores Sartre's views of holes and slime She also examines the work of contemporary authors in ecology biology sociobiology and religion to reveal their reliance on nature for ethical conclusions and she criticizes recent efforts to root a feminist natural law in Thomism With natural law concepts now in fashion with many conservatives and even some Supreme Court justices Pierce's essays offer a necessary perspective on

where current legal and ethical thinking is headed *Immovable Laws Irresistible Rights* is invigorating reading for all scholars students and interested readers who seek a better understanding of these arguments and the issues affected by them

**Beyond Same-Sex Marriage** Ronald C. Den Otter, 2016-09-06 Although the debate over same sex marriage in the United States has ended no one seems to know what lies on the horizon The conversation about what marriage could be like in the future is no longer confined to academics In his dissent in *Obergefell* Chief Justice Roberts linked the constitutionally mandated legal recognition of same sex marriage to the possibility that states may also have to recognize multi person intimate relationships as well to avoid discriminating against plural marriage enthusiasts The popularity of television shows like TLC's *Sister Wives* and HBO's *Big Love* suggests that Americans no longer can be dismissive of the possibility that in the foreseeable future marriage could and perhaps should look very different than it does today Rather than settling the question of whether states ought to abolish marriage make it more inclusive contractual or call it something else this book exposes readers to some of the normative legal and empirical questions that Americans must address before they can deliberate thoughtfully about whether to keep the marital status quo where monogamy remains privileged Unlike much of the debate over same sex marriage they exchange reasons with one another as they discuss marital reform This book is for ordinary Americans their elected representatives and judges to help them ultimately decide whether they want to continue to define marriage so narrowly make it more inclusive to avoid discrimination or have the state leave the marriage business This edited interdisciplinary volume contains eight original contributions all of which illuminate important but often neglected areas of the topic

*Just Married* Stephen Macedo, 2017-05-09 The case for marriage equality and monogamy in a democratic society The institution of marriage stands at a critical juncture As gay marriage equality gains acceptance in law and public opinion questions abound regarding marriage's future Will same sex marriage lead to more radical marriage reform Should it Antonin Scalia and many others on the right warn of a slippery slope from same sex marriage toward polygamy adult incest and the dissolution of marriage as we know it Equally many academics activists and intellectuals on the left contend that there is no place for monogamous marriage as a special status defined by law *Just Married* demonstrates that both sides are wrong the same principles of democratic justice that demand marriage equality for same sex couples also lend support to monogamous marriage Stephen Macedo displays the groundlessness of arguments against same sex marriage and defends marriage as a public institution against those who would eliminate its special status or supplant it with private arrangements Arguing that monogamy reflects and cultivates our most basic democratic values Macedo opposes the legal recognition of polygamy but agrees with progressives that public policies should do more to support nontraditional caring and caregiving relationships Throughout Macedo explores the meaning of contemporary marriage and the reasons for its fragility and its enduring significance His defense of reformed marriage against slippery slope alarmists on the right and radical critics of marriage on the left vindicates the justice and common sense of the

emerging consensus Casting new light on today's debates over the future of marriage Just Married lays the groundwork for a stronger institution

**Under God?** Michael J. Perry, 2003-06-02 The proper role of religious faith in the public life of a liberal democracy is one of the most important and controversial issues in the United States today Since the publication in 1991 of his book Love and Power Michael J Perry's important writings on this issue have been among the most insightful In this new book Perry argues that political reliance on religious faith violates neither the Establishment Clause of the United States Constitution nor more broadly the morality of liberal democracy Nonetheless Perry argues religious believers sometimes have good reasons to be wary about relying on religious beliefs in making political decisions Along the way Perry thoughtfully addresses three subjects at the center of fierce contemporary political debate school vouchers same sex marriage and abortion

**The Philosophy of Sex** Raja Halwani, Alan Soble, Sarah Hoffman, Jacob M. Held, 2017-09-15 This best selling volume examines the nature morality and social meanings of contemporary sexual phenomena Updated and new discussion questions offer students starting points for debate in both the classroom and the bedroom

**Liberty of Conscience** Martha Nussbaum, 2008-02-05 In one of the great triumphs of the colonial and Revolutionary periods the founders of the future United States overcame religious intolerance in favor of a constitutional order dedicated to fair treatment for people's deeply held conscientious beliefs It granted equal liberty of conscience to all and took a firm stand against religious establishment This respect for religious difference acclaimed scholar Martha Nussbaum writes formed our democracy Yet today there are signs that this legacy is misunderstood The prominence of a particular type of Christianity in our public life suggests the unequal worth of citizens who hold different religious beliefs or no beliefs Other people meanwhile seek to curtail the influence of religion in public life in a way that is itself unbalanced and unfair Such partisan efforts Nussbaum argues violate the spirit of our Constitution Liberty of Conscience is a historical and conceptual study of the American tradition of religious freedom Weaving together political history philosophical ideas and key constitutional cases this is a rich chronicle of an ideal of equality that has always been central to our history but is now in serious danger

**Sex and Social Justice** Martha C. Nussbaum, 2000-08-24 What does it mean to respect the dignity of a human being What sort of support do human capacities demand from the world and how should we think about this support when we encounter differences of gender or sexuality How should we think about each other across divisions that a legacy of injustice has created In Sex and Social Justice Martha Nussbaum delves into these questions and emerges with a distinctive conception of feminism that links feminist inquiry closely to the important progress that has been made during the past few decades in articulating theories of both national and global justice Growing out of Nussbaum's years of work with an international development agency connected with the United Nations this collection charts a feminism that is deeply concerned with the urgent needs of women who live in hunger and illiteracy or under unequal legal systems Offering an internationalism informed by development economics and empirical detail many essays take their start from the experiences

of women in developing countries Nussbaum argues for a universal account of human capacity and need while emphasizing the essential role of knowledge of local circumstance Further chapters take on the pursuit of social justice in the sexual sphere exploring the issue of equal rights for lesbians and gay men Nussbaum s arguments are shaped by her work on Aristotle and the Stoics and by the modern liberal thinkers Kant and Mill She contends that the liberal tradition of political thought holds rich resources for addressing violations of human dignity on the grounds of sex or sexuality provided the tradition transforms itself by responsiveness to arguments concerning the social shaping of preferences and desires She challenges liberalism to extend its tradition of equal concern to women always keeping both agency and choice as goals With great perception she combines her radical feminist critique of sex relations with an interest in the possibilities of trust sympathy and understanding Sex and Social Justice will interest a wide readership because of the public importance of the topics Nussbaum addresses and the generous insight she shows in dealing with these issues Brought together for this timely collection these essays extensively revised where previously published offer incisive political reflections by one of our most important living philosophers *Beyond Race, Sex, and Sexual Orientation* Sonu Bedi, 2013-09-02 The conventional interpretation of equality under the law singles out certain groups or classes for constitutional protection women racial minorities and gays and lesbians The United States Supreme Court calls these groups suspect classes Laws that discriminate against them are generally unconstitutional While this is a familiar account of equal protection jurisprudence this book argues that this approach suffers from hitherto unnoticed normative and political problems The book elucidates a competing extant interpretation of equal protection jurisprudence that avoids these problems The interpretation is not concerned with suspect classes but rather with the kinds of reasons that are already inadmissible as a matter of constitutional law This alternative approach treats the equal protection clause like any other limit on governmental power thus allowing the Court to invalidate equality infringing laws and policies by focusing on their justification rather than the identity group they discriminate against *Engaging the Doctrine of Marriage* Matthew Levering, 2020-08-12 This book is the next volume in Levering s *Engaging Doctrine* series The prior volume of the series examined the doctrine of creation The present volume examines the purpose of creation the marriage of God and humans God created the cosmos for the purpose of the marriage of God and his people and through his people the marriage of God and the entire creation Given that the central meaning or prime analogate of marriage is the marriage of God and humankind the study of human marriage needs to be shaped by this eschatological goal and foregrounded as a dogmatic theme After a first chapter defending and explaining the biblical witness to the marriage of God and his people the book explores various themes marriage as an image of God original sin as the fall of the primordial marriage the cross of Jesus Christ and marital self sacrificial love the procreative and unitive ends of marriage marriage as a sacrament and marriage s importance for social justice and for the upbuilding of the kingdom of God Along the way the book provides an introduction to the key biblical patristic medieval modern and contemporary thinkers and

controversies regarding the doctrine of marriage      **Women and Human Development** Martha C. Nussbaum, 2000-03-13

In this major book Martha Nussbaum one of the most innovative and influential philosophical voices of our time proposes a kind of feminism that is genuinely international argues for an ethical underpinning to all thought about development planning and public policy and dramatically moves beyond the abstractions of economists and philosophers to embed thought about justice in the concrete reality of the struggles of poor women Nussbaum argues that international political and economic thought must be sensitive to gender difference as a problem of justice and that feminist thought must begin to focus on the problems of women in the third world Taking as her point of departure the predicament of poor women in India she shows how philosophy should undergird basic constitutional principles that should be respected and implemented by all governments and used as a comparative measure of quality of life across nations      *In Defense of Plural Marriage* Ronald C.

Den Otter, 2015-05-28 This book outlines the constitutional argument in favor of plural marriage in the United States      The Supportive State Maxine Eichner, 2010-09-03 Broad agreement exists among politicians and policymakers that the family is a critical institution of American life Yet the role that the state should play with respect to family ties among citizens remains deeply contested This controversy over the state's role undergirds a broad range of public policy debates Does the state have a responsibility to help resolve conflicts between work and family Should same sex marriage be permitted Should parents who receive welfare benefits be required to work Yet while these individual policy issues are endlessly debated the underlying theoretical question of the stance that the state should take with families remains largely unexplored In *The Supportive State* Maxine Eichner argues that government must take an active role in supporting families She contends that the respect for human dignity at the root of America's liberal democratic understanding of itself requires that the state not only support individual freedom and equality the goods generally considered as grounds for state action in liberal accounts It must also support families because it is through families that the caretaking and human development needs which must be satisfied in any flourishing society are largely met Families capacity to satisfy these needs she demonstrates is critically affected by the framework of societal institutions in which they function In the supportive state model she develops the state bears the responsibility for structuring societal institutions to support families in performing their caretaking and human development functions Although not all family forms will further the important functions that warrant state support she argues that a broad range will Eichner's vigorous defense of the state's responsibility to enhance families capacity for caretaking and human development stands as a sharp rejoinder to the widespread conservative belief that the state's role in family life must be diminished in order for families to flourish      *Reader's Guide to Lesbian and Gay Studies* Timothy Murphy, 2013-10-18 The Reader's Guide to Lesbian and Gay Studies surveys the field in some 470 entries on individuals Adrienne Rich arts and cultural studies Dance ethics religion and philosophical issues Monastic Traditions historical figures periods and ideas Germany between the World Wars language literature and communication British Drama law and politics

Child Custody medicine and biological sciences Health and Illness and psychology social sciences and education Kinsey Report     *Privacy and the Constitution* Madeleine Mercedes Plasencia,1999 First published in 2000 Routledge is an imprint of Taylor Francis an informa company     **Sex, Culture, and Justice** Clare Chambers,2018-05-17 Autonomy is fundamental to liberalism But autonomous individuals often choose to do things that harm themselves or undermine their equality In particular women often choose to participate in practices of sexual inequality cosmetic surgery gendered patterns of work and childcare makeup restrictive clothing or the sexual subordination required by membership in certain religious groups In this book Clare Chambers argues that this predicament poses a fundamental challenge to many existing liberal and multicultural theories that dominate contemporary political philosophy Chambers argues that a theory of justice cannot ignore the influence of culture and the role it plays in shaping choices If cultures shape choices it is problematic to use those choices as the measure of the justice of the culture Drawing upon feminist critiques of gender inequality and poststructuralist theories of social construction she argues that we should accept some of the multicultural claims about the importance of culture in shaping our actions and identities but that we should reach the opposite normative conclusion to that of multiculturalists and many liberals Rather than using the idea of social construction to justify cultural respect or protection we should use it to ground a critical stance toward cultural norms The book presents radical proposals for state action to promote sexual and cultural justice     New Family Values Karen Struening,2002-06-25 How many different kinds of families are there New Family Values provides a critical analysis of scholars and authors who argue that law and policy should be used to foster one model of the family the intact two parent heterosexual family Karen Struening argues that this position does not adequately address the problem it supposedly solves family dissolution and unnecessarily constrains personal liberty Healthy families may be necessary for civic unity and individual stability but there can be many different kinds of families

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