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Just Sex: Sexual Ethics for Twentyfirst Century Christians

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FLORIDA INTERNATIONAL UNIVERSITY

Miami, Florida

JUST SEX: SEXUAL ETHICS FOR TWENTY-FIRST CENTURY CHRISTIANS

A thesis submitted in partial fulfillment of the

requirements for the degree of

MASTER OF ARTS

in

RELIGIOUS STUDIES

by

Curtis Lanoue

2011

To: Dean Kenneth G. Furton
College of Arts and Sciences

This thesis, written by Curtis Lanoue, and entitled Just Sex: Sexual Ethics for Twenty-first Century Christians, having been approved in respect to style and intellectual content, is referred to you for judgment.

We have read the thesis and recommend that it be approved.

Whitney Bauman

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Date of Defense: October 26, 2011

The thesis of Curtis Lanoue is approved.

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Florida International University, 2011

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ABSTRACT OF THE THESIS

JUST SEX: SEXUAL ETHICS FOR TWENTY-FIRST CENTURY CHRISTIANS

by

Curtis Lanoue

Florida International University, 2011

Miami, Florida

Professor Christine Gudorf, Major Professor

This thesis addressed nonmarital sex from a Christian perspective. It questioned the traditional rule of “no sex before marriage” and attempted to define a broader guideline for moral sex that is not dependent on one's marital status. It drew upon five sources for ethical reflection: Scripture, tradition, secular knowledge, experience, and moral discernment. By examining the Biblical commandments concerning sex, this thesis found that the inspiration behind many of the commandments limiting sex to marriage is androcentric and patriarchal. Because of this, the commandments should no longer be accepted with little reflection. Drawing on James Nelson's work, the importance of mutuality and proportionality in relationships was developed. Proportionality presumes that the level of sexual activity in a relationship is commensurate with the level of commitment. Mutuality combined with proportionality provide the foundation for an ethic that allows for nonmarital sex so long as these two concepts are present.

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Chapter I

SETTING THE STAGE: BACKGROUND, METHODOLOGY, AND SCRIPTURE

Sex has been one of the most popular topics of Christian ethics in the twentieth century. An abbreviated tracing of its story arc includes: the role of women in family and social life, the advent and use of reliable contraception, tolerance or acceptance of homosexuality, infertility and its treatment, and the sexual deregulation of the counter-cultural 1960s. Ethicists and theologians have long wrestled with these difficult topics regarding human sexuality. Many of the authors who contributed to the topics mentioned above have set the stage for a discussion of non-marital sex from a Christian perspective. This thesis will add one more voice to the conversation.

The concept of non-marital sex itself points to the social changes that have affected Christian views on sex. Premarital sex is not a twentieth century invention. Adrian Thatcher insists that “in the eighteenth century up to half of all brides were pregnant by the time they arrived at the altar” (2003: 232). The historical view of premarital sex has assumed that the couple engaging in sexual activity would subsequently go on to marry. Recently, however, that assumption has been challenged. First sexual partners are very infrequently one's future spouse. Serial monogamy and cohabitation have led to the need to relabel premarital sex. For that reason, I will use non-marital sex throughout.¹ This should not, however, blur the line between sex *before* marriage and sex *outside* of marriage. Marital infidelity would best be labeled extramarital sex and is outside the scope of this work.

¹ Regnerus and Uecker interestingly use “premarital” in their title but very early on explain why they will consistently use “nonmarital” in the text. Titles, apparently, sell books.

Along with heterosexual relationships short of marriage that will be addressed, the linking of marriage with sexual activity is also complicated by homosexual relations. It is important to state early on that I believe two people, regardless of their sex, should have the opportunity to marry. Where this is not yet legally possible for same-sex couples, or has only recently become possible, I recognize a committed, long-term, public relationship as an analog to marriage. Throughout this thesis, it is therefore consistent to read “marriage” as including homosexual couples as well.

Beginning in the late 1970s, many ethicists began developing arguments that would eventually lead to a discussion of non-marital sex. James Nelson's focus on the bodyself as opposed to body/mind dualism along with his advocacy for the acceptance of homosexuality are foundational. For instance, in advocating for acceptance of loving homosexual relations, Nelson says “different sexual life-styles being lived out with integrity and in Christianly humanizing ways need not simply be tolerated -- they can be positively supported” (1978: 260). Coupling this with Nelson's argument that sexual ethics requires one standard and not separate standards for gay and straight or single and married, a logical conclusion would be that non-married heterosexual relationships that embody this same integrity can be supported.

This logical step was picked up by subsequent ethicists. Margaret Farley states that “there is no explicit [scriptural] legislation against premarital sex” (2006: 36) while Marvin Ellison notes that “the tradition that requires celibacy in singleness is not adequate” (2010, 272). Christine Gudorf traces the need for a revised ethic for non-marital sex to the invention of effective contraception and the recognition that sex is not only for procreation: “Given both effective contraception and acceptance of other ends

for sex than procreation, traditional reasons for limiting sex to marriage are no longer compelling” (1994: 32).

These arguments all point out the inadequacy of the traditional “no sex before marriage” rule of the church catholic, but most leave the elaboration of an adequate replacement message to future work. There is no uniform call, however, for acceptance of non-marital sex. Many cite slippery slope arguments and decide against changing the traditional rule. This sort of “where will it stop” argument has been widely used to prevent changes toward justice and preserve oppression in the past, but these arguments should also not be completely ignored. If we remove the restrictions on sex before marriage, what is left to prevent rampant hedonism? While pointing out the need to revise the restrictions on sex before marriage, it is also necessary to posit where the new boundaries should be. It is my hope that this thesis contributes something towards that end.

I will often use “church” or “the church” throughout without specifically defining its referent. There are several concepts I have in mind when using this word. For instance, “the church” can refer to the church catholic – the family of all believing Christians. More specifically it could refer to any single denomination within that broader concept. While this thesis will focus on the Lutheran church, any reference to a general denomination need not apply exclusively to Lutheranism. Lastly, “the church” could refer to a single congregation. Often, I allude to all three concepts simultaneously with the single word “church.”

It is not solely a theological or philosophical hole, however, that I am attempting to fill. There are also material reasons for addressing a new sexual ethic for the unmarried. If the church's teaching is “no sex before marriage” and the vast majority of

couples getting married in Christian churches have already physically consummated their relationship, there is a real-world problem that needs addressing. I believe this is especially true for young and emerging adults for whom the only two messages about sexuality are the church's no-unmarried-sex rule and the media's sex-is-casually-fun mantra.

When these are the only two messages the unmarried have available, many youth “don't mind that there is no shared story [between the church and reality] about sex. It makes the lowest common denominator easy to abide by” (Regnerus, Ross, and Freitas 2010: 60). Stated in a slightly different way: “What happens when someone lacks access to alternative stories about sex? Simple: they don't easily envision alternatives to what they know” (Regnerus and Uecker 2011: 238). So if the church's message is no sex, and the media's message is casual sex, which message wins out?

Mark Regnerus and Jeremy Uecker offer a statistic that I believe answers the question definitively: “Among all emerging adult women in any form of romantic relationship, only about 6 percent are not having sex of some sort” (2011: 15). Even allowing for all the qualifications within that statistic, it is clear that the popular message is beating out the church message. I believe this is further proof that the church needs to address the inadequacy of its non-marital sex rule not only for theological reasons, but also for pastoral reasons. Young and emerging religious adults deserve a sexual ethic that considers *both* their lived reality *and* their religious beliefs.

Exposing False Dilemmas

At issue in many of the facets of this topic is the constraining dualism of the presumptions and arguments about non-married sex. Beginning with the rule itself, “celibacy in singleness, fidelity in marriage,” exposes two damaging false dilemmas.

When humans are offered only two options, single and married, they are required to live much of their life in a liminal nether-region of “paired but not married.” Historically, a young man and young woman would remain in their parents' household until marriage. In contemporary society, that simply is not the case. In the contemporary paradigm, childhood ends upon leaving the house, and adulthood begins upon marriage. What, then, do we make of the years between the two? As Regnerus and Uecker point out, Americans are delaying marriage at a record pace. The average age upon first marriage is 26 for women and 28 for men (Regnerus and Uecker 2011: 2). Assuming the average age of leaving one's house is 18, that leaves 8 to 10 years of life that fit neither the “single” nor “married” paradigm. The church provides no rule for this period other than celibacy -- a rule we have seen most do not follow. An adequate Christian sexual ethic must bring this false dilemma to light and allow for a middle ground of “dating,” “paired,” or something similar.

The second false dilemma arising from “celibacy in singleness, fidelity in marriage” is raised when considering the levels of commitment available to the unmarried. The church's position is celibacy while the media's position is hookup.² If these are the two choices available to young and emerging adults, the possibilities are frightening. I have addressed this above, but it is also important to point out the need for more than two choices. What these extra choices might be comes to light in addressing the next false dilemma.

The false dilemma of abstinence versus coitus was exposed by James Nelson (1978: 13). Society views “sex” as coitus. Anything less than coitus is not sex. Yet the

2 Luckily, the prevalence of hookup culture in reality does not seem to be as great as the media asserts. See Regnerus and Uecker. Also, because of the prevalence of this term in the literature and the referent in the lives of single adults, I will not enclose it in quotation marks.

church is also worried when unmarried youth in long term relationships get overly physical. Some pastoral suggestions have even limited physical contact to only hugs and pecks even for relationships that are years-old. There are many options besides coitus and abstinence and they should be discussed. To do otherwise denies young and emerging adults the knowledge and values they need to make decisions about how they will use their own bodies.

Nelson's focus on embodiment also raises further issues regarding what should count as "sex." By viewing a person as a bodyself rather than a separate body and mind, "sex" could also include totally psychic forms of contact. This opens the arena to phone- and computer-based sexual encounters along with the even more intimate video chat that was inconceivable until relatively recently. The church has failed in keeping up with both these theological and technological advances and must address "sex" as more than just "coitus or no coitus." It should view "sex" as more than a physical act of "this organ in that orifice" to paraphrase Nelson (1978: 105). "Sex" should be viewed as a spectrum of activities or a multifaceted stone. At the center of this image should be the *relation* of the two (or one) participating in it and the quality thereof, not the act in which they are engaged.

Quadrilateral or Pentagon?

The sources considered normative in Christian ethics are nearly uniform among the authors consulted. The most common version of the four-part theme is: Scripture, tradition, reason, and experience. In general, I agree with this "quadrilateral" structure, but I prefer Farley's less catchy but more precise phrasing of: Scripture, tradition, secular disciplines of knowledge, and contemporary experience (2006: 182-196). "Secular disciplines of knowledge" refers mainly to the sciences, both "hard" and "soft," as well as

philosophy. I believe this is a better description than “reason.” Reason, after all, is present regardless of which side of the quadrilateral one is engaging.

I would, however, expand these four common sources and add moral discernment as a fifth source because “Scripture, tradition, reason, and experience [are] only the beginning of deliberation. Deliberation becomes incarnate as Christian communities read and speak, listen and pray” (Stortz 2003: 60). From a Christian ethical perspective, the ability of God to continue to speak to us should not be denied. One could argue that the living word of God continues to be present through the four common sources, but I believe placing an emphasis on a fifth source of discernment gives the Spirit the place to truly work God's will among us. Considering moral discernment as it's own source also makes available perspectives and concepts that would not be easily visible if considering just the four common sources. If “reason” could be considered the work of the human mind, moral discernment could be considered the work of the Spirit within humanity.

The importance of moral discernment should not be minimized. Many authors stress its significance. Lutheran ethicist Karen Bloomquist has pointed out that the differences of opinion in corporate moral discernment “can give rise to a moral outlook, a common moral substance that emerges through interactions in which our perspectives are enlarged and we ourselves are transformed” (1998: 9). Here I emphasize the latent aspect that Bloomquist mentions. The moral substance that is brought out and the personal transformation that takes place were in a sense always present, yet needed to be uncovered through dialogue. Because of its ability to bring these new insights to light, I believe moral discernment should take its place alongside the four common sources and not be relegated to simply “what we do with” those sources.

The work of the Spirit in moral discernment does not need to be limited to corporate dialogue either. Nelson points out its personal nature in a slightly more academic sense when stating that “the writer does not write out of having found an answer to the problem, but rather out of having discovered the problem and wanting a solution. And the solution is not a resolution of the problem so much as a deeper and wider consciousness of the issue to which we are carried by virtue of having wrestled with that problem” (1978: 9). Experience itself teaches us that discernment, whether individual or corporate, brings out ideas and solutions that were inconceivable before. The place for moral discernment also has a distinctly Pauline air to it. It was Paul who stated “not that we are competent of ourselves to claim anything as coming from us; our competence is from God, who has made us competent to be ministers of a new covenant, not of letter but of spirit; for the letter kills, but the Spirit gives life” (2 Cor. 3:5-6).

Paradox and Ambiguity

While this thesis is from a Christian perspective, it is also necessary to state that I am approaching the topic from a specifically Lutheran point of view.³ While trying to find out how exactly how one uses a Lutheran method of ethics, I discovered a clear-cut explanation was lacking. Some authors focused on one specific “Lutheranism” and others placed emphasis elsewhere. Throughout all the writings on various topics by Lutheran ethicists, one commonality, however, became clear: Lutheran theology in general and ethics in specific make great use of paradoxes and ambiguity.

This statement is illustrated by some of the most common Lutheran ideas and aphorisms. The Two Kingdoms concept may have taken on a strictly dualist slant among

3 Specifically, an Evangelical Lutheran Church in America perspective. Considering the fundamental differences between the ELCA and other Lutheran denominations, it is necessary to make that distinction.

the theologians who followed Luther, but Luther's own writings on the idea prove much more amorphous. For instance, his views on marriage placed marriage in both Kingdoms. This can be seen in his approval of the traditional wedding ceremony where the “actual marriage” takes place outside the church door while the “spiritual action” takes place at the altar (Althaus 2007: 90). An equally paradoxical phrase is Luther's assertion that man is *simul iustus et peccator* – we are both saint and sinner at the same time. Similarly ambiguous is his opening and oft-quoted lines from “The Freedom of a Christian”: “A Christian is a perfectly free lord of all, subject to none. A Christian is a perfectly dutiful servant of all, subject to all” (Luther 1970: 277).

This ambiguous tension is also present in Lutheran eschatology, which is central to Lutheran ethicist James Childs's method. This eschatological view sees our world as in the “now but not-yet.” We live in the present, which is *pre-parousia*, yet are called as Christians to approximate the perfected future in the present. Childs wraps several of these paradoxes together when he states: “the realism of Luther's two realms doctrine is preserved in the tension between the future revealed and present in Christ's victory and the present of brokenness and sin. The existential tension of the individual as *simul iustus et peccator* projected onto the large screen of human history shows the very pattern of our world's eschatological existence” (1998: 104).

Paradoxes and ambiguity as illustrated in these examples often make moral discernment difficult. This is especially noticeable once one has engaged in the process of discernment and found no suitable solution. Sometimes none of the available options are “good” yet one must decide on a course of action. In these situations, the difference between “best” and “least bad” is more than simply semantic. This is why ambiguous

tension, and often a tragic tension, is often present throughout ethics – whether from a Lutheran perspective or more generally.

This tension is perhaps most evident methodologically when dealing with Scripture. Even before deciding on what authority to place in Scripture or what hermeneutic to use, Scripture itself can be ambiguous. This is especially true concerning the sections that deal with sex. On this issue, Farley notes

when it comes more specifically to justice in relation to human sexuality, however, the biblical witness is blurred – at least as we encounter it in today's world. In the Hebrew Bible, rules for justice in human sexual relationships have exceptions, sometimes approved, sometimes punished, by God. Moreover, both rules and exceptions appear culture-bound so that it is difficult to know what to make of them today (2006: 185).

Farley here points out that not only is the Bible difficult for literalists to interpret (because of the seemingly arbitrary exceptions to rules), but also the hermeneutical challenge faced when approaching Scripture through the socio-historical lens of time.

Because the Lutheran tradition believes Scripture to be authoritative, this thesis will assume the same. Yet it also will do so in tension with a hermeneutic that requires the reader to consider all the social, linguistic, political, and economic changes that have taken place since Scripture's debut. I will rely on Elisabeth Schüssler Fiorenza's *In Memory of Her* and her hermeneutic of suspicion, going into greater detail when necessary.

Lastly, central to Lutheran tradition is the idea of *sola scriptura*. While Luther himself never relied solely on Scripture, he obviously placed great importance on it and viewed it as authoritative. Rather than consult Scripture first, as had originally been my plan, I will turn to Scripture last after having developed a hypothesis for non-married sex.

When consulting the various resources, however, it will become clear early on that Scripture is present at every step of the process.

Chapter Outline

Chapter two will explore the importance of marriage ideals to sexual mores. It will examine marriage ideals in the Hebrew Bible, New Testament, and contemporary America while elaborating on what these ideals mean for the various rules and injunctions on sexual activity. Also important is a discussion of virginity.

Chapter three looks at the liberalization of sex that occurred beginning in the twentieth century. Central to this was the shift in the church's view of sex as negative to one that embraced human sexuality as gift. I will also explain how deregulation was not always simply a greater permissibility without any stricter standards to go with it. The modern trend of delay in first marriage also plays an important role in establishing new standards such as serial monogamy and cohabitation.

Chapter four will make a case for a sexual ethic that includes a qualified endorsement of nonmarital sex. Central to this ethic will be the importance of commitment, the place of proportionality in sexual relations, and various *sine quibus non*⁴ that are a requirement for moral sex. It will also argue for a single sexual ethic for all – not a separate ethic for married and single, heterosexual and homosexual, and other groups often subjected to double standards.

Chapter five will test the case for a single ethic. It will begin by holding it up to Scripture. While Scripture is central to chapter two, this chapter will look specifically at nonmarital sex in Scripture and not just marriage ideals. Sociological data, both

4 I thank Dr. Gudorf for her Latin expertise in supplying me with the grammatically correct plural of *sine qua non*.

quantitative and qualitative, is also important in proving or disproving the case from a practical standpoint.

Lastly, chapter six will examine the topic from a less sexual view. What can the church do to better prepare its members for making difficult decisions concerning relationships, marriage, and sex? It will examine critically the rule-based ethic that has hitherto been the predominant trend in Christian ethics and attempt to elaborate a more casuist ethic in which Christians are called to be decision makers as opposed to simply obedient disciples.

Chapter II

PURTIY, PROPERTY CONTRACTS, AND EGALITARIANISM: MARRIAGE FROM TORAH TO TODAY

While I do not intend an in-depth analysis of marriage and its changes through the millenia, the centrality of the rule “no sex before marriage” for my thesis makes an examination of marriage necessary. If the ideal of marriage when the rule was first enacted is completely alien to contemporary culture, then the rule may also be anachronistic and need revision. This chapter will examine the reasoning behind Scripture's requirement of virginity at first marriage and will then explore the contemporary ideals of marriage as expressed by society and theologians. By the end, we should have a clearer picture of why virginity is demanded in Scripture and if that demand is still appropriate for contemporary Christianity.

Marriage Ideals in the Hebrew Bible

The importance of human sexuality is immediately clear in the Hebrew Bible. The commandment to procreate appears just 28 verses into Genesis. Interestingly, this first creation story does not contain a command to marry nor tie marriage to procreation, and in it Adam and Eve are created together. In the second creation story, Adam is created first but is only “single” for just eleven verses before God realized he should have a partner. After creating Eve comes the first implicit reference to marriage: “therefore a man leaves his father and his mother and clings to his wife, and they become one flesh” (Gen. 2:24).

While a complete exegesis of these first two chapters of Genesis is unnecessary, some general comments prove salient. First, as already mentioned, Adam was never “single” in the first creation story and was single for a handful of verses in the second

creation story. It is clear already that God did not intend for Adam to live alone. Second, the command to procreate present in the first creation story will prove deeply problematic for sexual ethics and discussions of marriage in Christianity. It is not my intent to trace a history of procreationism, but its effect on the Christian tradition is profound. The majority of authors I draw on, however, have renounced procreationism, as will I. Lastly, in the “marriage” verse of the second creation story, there is no description of a ceremony or even what the normative marriage relationship might look like. Simply that the two “become one flesh.” This verse implies that the act of coitus is what unites the couple rather than any civil or religious ceremony.

Authors have used this argument to both approve of and critique non-marital sex. Daniel Harrell, for instance, uses this argument in his article titled “There's No Such Thing as Premarital Sex.” Harrell invokes Genesis 2 and the later commandments against forcible sex when he asks “Does any sort of consensual sex, or worse, non-consensual sex, constitute marriage? It would seem so . . .” (2003: 21). This statement, in my opinion, shows the dangers of reading Scripture too literally without considering either the totality of Scripture or the other sources available for ethical reflection. To assert that rape could result in a religiously sanctioned marriage would mean that marriage can happen without the consent of both parties. This seems to be a step backward from Biblical times when the consent of the bride may not have been important, but at least that of her father was. When considering the “one flesh” verse along with experience, it seems clear that rape cannot be used as a religious sanction for marriage. The importance of the bride's father and the penalty for rape of a virgin (monetary punishment payable to the woman's father along with forcing her to be married to the rapist) will be discussed shortly, but this article shows the difficulties in sexual ethics concerning hermeneutics.

For Lutherans, the Decalogue is very important for sexual ethics. The first commandment was of utmost importance for Luther. The remaining commandments are merely ways in which the first commandment is violated. Idolatry is the primary sin. Murder, theft, adultery, and the others are merely secondary manifestations of it. Luther's emphasis on the domestic sphere is evident in his exposition on the fourth commandment, which shows the importance of family as an order of creation. For women, the home is the location of their primary vocation and for men it is the realm in which they function as the "head" – supervising the rearing and Christian education of children. Luther sums up the sixth commandment against adultery as being needed so "we may lead a chaste and decent life in word and deed" (1973: 6). The tenth commandment tells us not to covet our neighbor's possessions. Included in these possessions are his wife. Luther does not seem to disagree with the proprietary nature of this commandment when he urges us not to "strange, force, or entice away from our neighbor his wife, servants, or cattle, but urge them to stay and do their duty" (1973: 7).

Already in the Decalogue, we see signs that the laws concerning marriage and sexuality have a distinctly property-based rationale. Concerning the law against adultery, "the purpose of a woman's sexual fidelity to one man was to insure that any offspring of hers were his" (Fortune 1995: 136). James Nelson also makes an interesting statement concerning the sixth commandment. Although some find adultery to also apply to premarital sex, "thou shalt not commit adultery' was not largely interpreted by the Israelites as applying to intercourse between the unmarried. When the practice was condemned, the disfavor fell upon the fact that the woman's virginity was lost . . ."

(Nelson 1978: 153). There is an important distinction that Nelson⁵ implies here between the sexual act and virginity. Sex between the unmarried is tolerable, but what is not acceptable is the woman's loss of virginity. I will discuss this seeming paradox later.

After the creation stories and the Decalogue, by far the most influential section of the Hebrew Bible concerning sexual ethics is the Holiness Code of Leviticus. The Holiness Code offers strict commandments on sexuality and penalties for those who stray. The first rules governing sexuality are found in chapter 18 where incest prohibitions are detailed. While I am not aware of any contemporary ethicist who argues against following these incest commandments, several have pointed out their patriarchal basis. As Christine Gudorf notes, “the inclusions and omissions of the [incest prohibition] list are much better explained in terms of respect for the ownership rights of men over women and children than in terms of respect for the sexual integrity of near kin” (1994: 10). This can also be seen later in Leviticus where it is detailed that a son who sleeps with his father's wife or uncle's wife does not uncover *her* nakedness, but rather the *husband's* (Lev. 20:11, 20). The idea of sexuality, especially that of women but also that of children and slaves, as belonging to the male head of household is a common theme throughout the Hebrew Bible.

Along with the theme of property rights, the idea of purity is also prevalent throughout Leviticus. For instance, the command not to engage in coitus with a menstruating woman is found here (Lev. 18:19) and does not relate to ownership as much as ritual purity. It also becomes clear that a prime motivation for these laws is to maintain separation from the surrounding cultures. “for by all these practices the nations I am

5 While Nelson's *Embodiment* dates to 1978, it continues to be a seminal work which is often cited in sexual ethics. Though I have consulted more recent works, when the overall concept is expressed in *Embodiment*, I cite Nelson as opposed to the more recent work of other authors.

casting out before you have defiled themselves” (Lev. 18:24). The main reason for setting apart the Hebrews from their neighbors is the first commandment. Offering sacrifices to other gods and partaking in ritual sex is idolatrous for the Hebrews. Most, if not all, of the commandments that do not seem to relate to Canaanite rituals are attempts to maintain the separation from outsiders and the wholeness of the Hebrew people. If contemporary society does not need such separation, then the laws on which the need to maintain cultural separation are based may again prove anachronistic.

While these commandments do not yet deal with non-marital sex, they illustrate the patriarchal culture in which they were drafted. The book of Deuteronomy also helps paint this patriarchal picture along with addressing virginity explicitly. The section of chapter 22 addressing virginity merits quoting in full:

Suppose a man marries a woman, but after going in to her, he dislikes her and makes up charges against her, slandering her by saying, “I married this woman; but when I lay with her, I did not find evidence of her virginity.” The father of the young woman and her mother shall then submit the evidence of the young woman's virginity to the elders of the city at the gate. The father of the young woman shall say to the elders: “I gave my daughter in marriage to this man but he dislikes her; now he has made up charges against her, saying, 'I did not find evidence of your daughter's virginity,' But here is the evidence of my daughter's virginity.” Then they shall spread out the cloth before the elders of the town. The elders of that town shall take the man and punish him; they shall fine him one hundred shekels of silver (which they shall give to the young woman's father) because he has slandered a virgin of Israel. She shall remain his wife; he shall not be permitted to divorce her as long as he lives. (13-19)

It is suspicious that throughout this scene of accusing, judging, and punishing that the young woman is absent. Her presence is invoked solely in the husband's accusation and in the sheet from her wedding night containing her blood. This commandment does not seem to be invoked for her protection, but rather for that of her father's *and the marriage contract into which he entered her*. The fact that the monetary punishment is made to the father of the young woman and not to her, coupled with the fact that the

rapist is forced to marry her and never divorce her, in effect punishing the woman for being raped, illustrates the importance of the two principal actors in the marriage contract: the husband and the father-of-the-bride.

The view of woman-as-property is further illustrated in the commandments of Deuteronomy. On the occasions when a couple is sexually active but the woman is not yet engaged to anyone, the punishment is “fifty shekels of silver to the young woman's father, and she shall become his wife” (Deut. 22:28). It is also interesting to note that in this section of Deuteronomy are found the commandments most often cited when illustrating Christianity's often arbitrary application of the Hebrew *mitzvot*. Injunctions against sowing two different seeds in the same field, yoking an ox to a donkey, and wearing clothes made of two different materials all appear immediately preceding the sexuality commandments (Deut. 22:9-12). The issue of Christianity and the law is a topic that will continue to appear in these discussions. Finally, Deuteronomy lays out the tradition of levirate marriage where a childless widow is taken in and married by the brother of the husband (Deut. 25:5-10). In this case, the wife-as-property is maintained in the family by the brother's marriage to her and the fact that she has not produced any heirs for the deceased is remedied by the brother.

From these varied scriptural references to sexuality, many authors have offered salient critiques on patriarchy, purity, and property rights. William Countryman in his work *Dirt, Greed, and Sex* is essential to this topic. Deuteronomy addresses both marriage as a property contract and levirate marriage by “Deuteronomy routinely equat[ing] the acquisition of house, vineyard, and wife. Like these other major possessions, the wife became the property not merely of her husband, but of his family. Hence the law of levirate marriage” (Countryman 1988: 155). Turning to the story of Job,

Countryman offers further evidence of wife-as-property by noting that “if Job has practiced deceit, let his own crops be rooted out; if he has taken another's land, let his own grow weeds . . . If he has taken another man's wife, let another take his. The wife was a form of property; adultery was a violation of the property of another and should therefore be punished with violation of one's own” (1988: 149).

The idea of marriage as a property contract between groom and father-of-the-bride is not exclusive to Hebrew culture; it stems from patriarchy. Countryman is not the only author to pick up on the patriarchal theme of sexuality and Scripture. Margaret Farley points out that “these two elements in the tradition, the duty to procreate and its patriarchal context, account for many of [the Hebrew Bible's] specific sexual regulations and the ethical commentaries that have surrounded them” (2006: 35). Fortune also notes that “the purpose of a woman's sexual fidelity to one man was to insure that any offspring of hers were his. The man's sexual fidelity was never really expected” (1995: 136). The need to ensure that a woman's children were the rightful heirs to the husband's estate was an important concept for patriarchy. The effects of patriarchy are also detailed by Nelson when he states “patriarchy was dominant. Women were viewed as property in the legal codes, valued for their procreative sexuality, but to be secured and disposed of by men. Women were effectively disenfranchised by Israelite religious law: 'the people of Israel' was exclusively the congregation of adult males” (1978: 48).

My goal in outlining the patriarchal context of the Hebrew commandments concerning sexuality is to contrast it with the socio-cultural ethos of today. It is possible that so much has changed from the patriarchy of the Hebrew Bible to today that we must consider other hermeneutical options. Elisabeth Schüssler Fiorenza is helpful in this task.

She lays out several “rules” for interpreting the parts of the Hebrew Bible that speak of women. For instance

Texts and historical sources . . . must be read as androcentric texts . . . The glorification as well as the denigration or marginalization of women in Jewish texts is to be understood as a social construction of reality in patriarchal terms or as a projection of male reality . . . The formal canons of codified patriarchal law are generally more restrictive than the actual interaction and relationship of women and men and the social reality which they govern . . . Women's actual social-religious status must be determined by the degree of their economic-autonomy and social roles rather than be ideological or prescriptive statements. (Schüssler Fiorenza 1983:108-109)

So not only must we read these passages as originating from a male-centered socio-cultural ethos that privileges men, but we must also challenge the assertion that the laws detailed in the Hebrew Bible may not accurately reflect women's reality. The opposite may actually be true, considering that “androcentric injunctions become more detailed and numerous with the growth of the women's movement in society” (Schüssler Fiorenza 1983: 60). It will be important to keep these concepts in mind later when I attempt to reconcile patriarchy with commandments and contemporary society. Before exploring contemporary marriage ideals, however, it is important to consider the message of the New Testament.

Marriage Ideals in the New Testament

The areas of the New Testament that deal with sexual ethics generally fall into two contradictory categories: those that reject patriarchy and those that support it. Before exploring them, however, there are a few instances that fall outside of these dichotomous groups into a smaller third group of purity-based injunctions.

Countryman concisely draws a connection between the purity laws in the Hebrew Bible and Christianity. Basing his argument mainly on the Sermon on the Mount and the Pauline epistles, Countryman finds that for early Christians there was little “concern with

sexual purity in the physical sense” (1988: 109), but that the importance of purity “now took the form of the metaphorical 'purity of the heart.' For them, real dirt consisted not of specific foods or sexual acts . . . , but of arrogance, greed, and other sins of social oppression or disruption” (1988: 124). So the sin of impurity is not based on any physical act, but on the intention of the act. A connection could again be drawn again to the sin of idolatry; an act becomes impure when its motivation stems from an idolatrous view that places someone or something before God. While Countryman outlines the various nuances of “purity of the heart” in the New Testament, the argument itself is fairly simple and proves central to a contemporary Christian sexual ethic.

Central to the Gospel message on sexual ethics are Jesus's well known words on divorce. Both Matthew and Mark provide versions of this story and both give pause to any consideration of non-marital sex. In Matthew Jesus allows for qualified divorce when he says “whoever divorces his wife, except for unchastity, and marries another commits adultery” (Matt. 19:9), whereas in Mark he does not include the qualification and simply states “whoever divorces his wife and marries another commits adultery against her; and if she divorces her husband and marries another, she commits adultery” (Mark 19:11-12). If Jesus's words on divorce are taken at face value, any relationship after marriage, except in the Matthean case of divorce due to adultery, is sinful and adulterous. Given this view, it makes it difficult to argue for the historic version of premarital sex where the couple subsequently marries. Considering the modern style of non-marital sex based on serial monogamy, it is virtually impossible to argue for non-marital sex as anything other than a “lesser of two evils.”

Some authors provide an interpretation of Jesus's teaching on divorce that takes an anti-patriarchal view. For William Loader, Jesus was not preaching against all divorce,

but rather for a mutuality in marriage that was non-existent at the time. Jesus's allusion to Genesis and the “two becoming one flesh” shows that the focus “is oneness, and so, as in Genesis, on intimacy and companionship, including sexual intimacy” (Loader 2010: 45). Countryman offers an argument similar to Loader's: “marriage establishes a unity of flesh, that is, a familial relationship, between two persons who are equals in terms of their sexual ownership *of one another*. Their equality of ownership means that each can commit adultery against the other. Their unity of flesh means that neither husband nor wife is free to dispose of the other *as a possession* [emphasis added]” (1988: 180). Even using the argument that the intent of Jesus's teaching on divorce was not to make it more difficult for a man to divorce his wife, but rather to bring about a more equal, less patriarchal form of marriage, it is still difficult to reconcile the Gospel message on divorce with non-marital sex. Contemporary society, however, has largely decided that divorce, at times, is a positive option when a marriage is simply not beneficial to one or both of the spouses. To paraphrase Reinhold Niebuhr, a just divorce may be better than an unjust marriage.⁶

If we accept that contemporary society's view of divorce may be morally acceptable while being at odds with Jesus's teaching, there are still other areas of the New Testament important to sexual ethics, such as the letters of Paul. Unfortunately, Paul is not always consistent in his views of marriage. In 1 Corinthians 7, he provides a symmetrical view of a mutually submissive marriage, one in many ways similar to contemporary ideals, “for the wife does not have authority over her own body, but the husband does; likewise the husband does not have authority over his own body, but the wife does” (4). While this symmetrical view of marriage could lead to mutual abuse, in a

⁶ This parallels Niebuhr's opinion on war and peace respectively (1957: 172-174).

loving relationship it is more likely to embody mutual submission. Later in Ephesians, however, Paul offers a slightly less symmetric marriage ideal:

Wives, be subject to your husbands as you are to the Lord. For the husband is the head of the wife just as Christ is the head of the church, the body of which he is the Savior. Just as the church is subject to Christ, so also wives ought to be, in everything, to their husbands. Husbands, love your wives, just as Christ loved the church and gave himself up for her, in order to make her holy by cleansing her with the washing of water by the word . . . Husbands should love their wives as they do their own bodies . . . Each [husband], however, should love his wife as himself, and a wife should respect her husband. (Eph. 5:22-33).

In this excerpt there are several troubling themes. The first is Paul's call to wifely submission. While he follows this with advice to husbands to love their wives, Paul's advice may be bilateral, but certainly not symmetric. The first letter of Peter offers another bilateral yet asymmetric invocation for wives to “accept the authority of your husbands” while husbands are to “show consideration for your wives” (1 Peter 3:1,7).

Secondly, Paul makes clear the patriarchal nature of marriage – it is not of equals, but rather of a “head” and “body.” This dualism reflects the Aristotelian body/soul dualism of the time in which the active nature of the soul/head/male was superior to the passive nature of the body/material/female. As Loader points out, “even the Greek word for 'marry,' *gameo*, has the male as the active party and the female as the passive” (2010: 37). Put another way, “the relationship between Christ and the church, expressed in the metaphors of head and body as well as of bridegroom and bride, becomes the paradigm for Christian marriage and vice versa. This theological paradigm reinforces the cultural-patriarchal pattern of subordination, insofar as the relationship between Christ and the church clearly is not a relationship between equals” (Schüssler Fiorenza 1983: 269).

A more insidious theme, however, runs through this excerpt. As Gudorf points out, “this equation of loving of self with loving of one's wife seems scant protection for

wives when we remember that loving oneself within the framework of body/soul dualism was understood as compatible with mutilation of one's body: ' And if your hand or foot causes you to sin, cut it off and throw it away.'" (1994: 164).

By analyzing these various excerpts from the New Testament, I have attempted to show that the Old Testament's focus on purity has now become a Gospel focus on purity of heart along with showing that marriage continued to be portrayed as largely patriarchal and asymmetrical in the Gospel witness. Because of this, it is difficult to offer a case against non-marital sex using only the New Testament. As Nelson mentions, "the New Testament is specific about prostitution, adultery, and incest" but does not give "highly concrete guidance on premarital sex" (1978: 153). Even when considering the scant guidance, we must remember that "there was no contraception. That makes a huge difference. There was nothing really comparable to dating. Men arranged their daughters' marriages with other men; so daughters changed hands from father to husband" (Loader, 2010: 4). Given such a different ethos, it is important to compare and contrast the Biblical ideals for marriage with our own in contemporary America.

Marriage Ideals of Today

In many ways the various waves of feminism have strongly shaped contemporary ideals of marriage. The rejection of patriarchal models that assigned a woman's "place" in the family to her role as domestic help and sole child-rearer have given rise to growing equality both at home and in the workplace. This paradigm of egalitarianism is now readily manifest in our ideals for marriage. While individual marriages infrequently, if ever, live up to this ideal, the contemporary romantic vision of husband and wife as equals sharing with and of each other in marital bliss is one of mutuality. As Marvin Ellison describes it, "marriage is valued, but not because it serves as a license for sex or

establishes ownership rights over another human being. Rather, egalitarian, justice-bearing marriages offer a framework of accountability and a relatively stable, secure place in which to form durable bonds of mutual trust and devotion” (2010: 254).

Lutheran scholar Paul Althaus echoes this sentiment by saying “in a marriage properly lived under the 'law of love' the sexual relationship is not . . . determined by the selfish desire for pleasure but through the will to serve the other with one's own body” (2007: 92-93). This is also seen in Gudorf's position that mutual pleasure is central to an appropriate sexual ethic (1994: 100-101). In a Lutheran sense, it is in this mutuality or giving of one's self that one is finally able to serve the neighbor. Contemporary ideals of egalitarian marriage are arguably the closest society has come to living up to the Gospel's promise for loving relationships.

The importance of mutuality will be addressed in a later chapter, but it is important to explore the hints of an egalitarian model of marriage in Scripture in order to attempt to show how our contemporary ideal lives up to it. Paul's elegant exposition on the ideal of love merits quoting:

Love is patient; love is kind; love is not envious or boastful or arrogant or rude. It does not insist on its own way; it is not irritable or resentful; it does not rejoice in wrongdoing, but rejoices in the truth. It bears all things, believes all things, hopes all things, endures all things. Love never ends. . . . And now faith, hope, and love abide, these three; and the greatest of these is love. (1 Cor. 13:4-13)

It is difficult to believe that this beautiful description of love came from the same author who called for women to submit to their husbands and to remain silent in church, yet the egalitarian ideal is manifest. Mutuality is a central theme that runs implicitly throughout Paul's description. It is also present in contemporary descriptions of an ideal, loving relationship.

James Nelson offers an equally elegant description of egalitarian love that could easily have come from the same template as Paul's. While lengthy, it also bears quoting:

Love, then, involves commitment to the other, the willingness to risk and entrust oneself to the other. It is the desire to give and to open the self in personal nakedness to the beloved. Along with this agapeic quality, there is also the erotic desire to receive whatever the other will give to the self. Love is expectant. It recognizes the inexhaustible possibilities in the beloved, expecting that enriching novelty and surprise will emerge from the relationship. Love is the respect of individual identity. As such it is communion, the intimate relationship of life with life which can become a sacramental channel to communion with God.

Another way of looking at sexual love is to observe the values which emerge from it. Such love is self-liberating; it expresses one's own authentic selfhood and thus releases further potential for growth. It is other-enriching; it has a genuine concern for the well-being of the partner. Sexual love is honest; it expresses as truthfully and as candidly as possible the meaning of the relationship which actually exists between the partners. It is faithful; such love expresses the uniqueness of the relationship, yet without crippling possessiveness. Sexual love is socially responsible, nurturing the fabric of the larger community to which the lovers belong. It is life-serving. Always this means the transmission of the power of newness of life from one lover to the other; sometimes it also means the procreation of children. Sexual love is joyous; it is exuberant in its appreciation of love's mystery and life's gift. (Nelson 1978: 117-118)

While this excerpt from Nelson may be extra-canonical, I can think of no better contemporary example of God's living word.

Offering an existentially-tinged yet still religious perspective is Martin Buber.⁷

Elaborating on his *I/Thou* construct, he says, “Love does not cling to the *I* in such a way as to have the *Thou* only for its 'content,' its object; but love is *between I* and *Thou* . . . Relation is mutual. My *Thou* affects me, as I affect it” (Buber 1986: 29). For Buber, a loving relationship is not a state of being, but a process of becoming. There is no “object” of one's love, only a *Thou* to which one relates. Unless the *I* and the *Thou* mutually affect each other, the *Thou* merely becomes an *It* – something which is used. This means that “marriage, for instance, will never be given new life except by that out of which true

⁷ While Buber's background is Jewish, he is often cited among Christian theologians and ethicists. Cf. McLean (1985) and Sherman (1957).

marriage always arises, the revealing by two people of the *Thou* to one another. Out of this a marriage is built up by the *Thou* that is neither of the *I's*” (Buber 1986: 54). Farley echoes these sentiments when she says “things are not to be loved as if they were persons, and persons are not to be loved as if they were things” (2006: 198).⁸

Taken together, Paul's and Nelson's descriptions of egalitarian love combined with Buber's theory of the *I/Thou* provide us with, if not a definition, then at the least a detailed description of mutuality. I believe mutuality to be the single qualification we should seek in loving relationships. While many authors outline lists of important features that a truly loving relationship would embody, mutuality is the central ideal from which these other features radiate.

It is important to emphasize that marriage has often failed to live up to these ideals. “Bad” marriages are all too common. While there are surely multiple reasons for unhappy or unhealthy marriages, it is likely that the ideal of mutuality is sorely lacking. Because so many marriages are not positive experiences for the couple, some have questioned the need to retain marriage as a social institution. If a marital relationship lacks mutuality or is unhappy, then it is likely that the same relationship short of marriage would also be less than ideal. I do not believe we need to do away with marriage as an institution, but that we do need to inject mutuality into marriage. Because of this view of marriage as a relationship embodying the ideal of mutuality, I often will refer to it in a positive light. This should not be read as ignore the many unhealthy marriages, but rather as referring specifically to “good” marriages only – no matter how ideal they may be.

8 McLean (1985) also examines relationships while using Buber's *I/Thou* foundation.

Virginity

As I have implied above, the injunction against sex before marriage was made and enforced largely because of the property rights inherent in patriarchal marriage. Since the “proof” of “unused” goods was in the marriage-night bed-cloth, virginity was central. As Countryman states, “The virginity of a daughter was essential to [increasing social influence and political security through marriage], for if she were not a virgin, she would not be suitable for marriage” (1988: 158). Loader points to the present and future value of a woman's virginity since “it ensured she would not be carrying someone else's child into the marriage, but also because it was a promising indicator that chasteness before marriage would continue as chasteness in marriage” (2010: 4). Countryman even posits that young men had access to sex without first being married: “One may guess that concubinage was a way for a younger man to acquire a first sexual partner without committing himself to treating her children as heirs” (1988: 154). This is obviously speculative, but could easily apply, as could the use of prostitutes for sexual release with “no strings attached” for men.

As absurd as it may sound, if it were not for losing one's virginity, sex probably would not be restricted to solely in marriage. Obviously, sex and virginity go together and it is impossible to separate the two,⁹ but rhetorically it is useful to separate them. This section will deal with virginity as a stand-alone concept and will later address the gender-based double standard that goes with it.

With the advent of effective contraception, much, if not all, of the priority of virginity as a guarantee that the bride was not carrying someone else's child is removed.

⁹ I realize here the vagueness of the definitions of both “sex” and “virginity” and the possibilities opened up if one considers “outercourse” and other non-coital versions of sexual relations. For the current argument, however, keeping things simple is preferred.

From the perspective of property rights, then, virginity is not the requirement upon marriage that it formerly was. This has led some to search for new arguments for abstinence. Herbert Chilstrom and Lowell Erdahl provide perhaps the most pragmatic reason for abstinence: when one does end up getting married, the emotional “baggage” that enters the relationship as well as possible jealousy if one of the spouses is less experienced can be a hindrance to the ideal of mutuality (2001: 38-39). There is also the pragmatic argument that sexual activity has the possibility of causing a great deal of harm and for this reason it should be limited to marriage (Keane 1977: 92). This argument, however, does not address committed relationships short of marriage which embody mutuality.

While the Evangelical Lutheran Church in America stands by its position concerning pastors that “all single rostered people . . . should abstain” (2003: 5), they do not offer a reason. In a separate publication, however, one is implied. In quoting an excerpt from Luther, the argument is made that losing one's virginity in some way releases a latent and uncontrollable concupiscence that can only be quenched by sex. Unfulfilled desire becomes an “almost irresistible cause for committing adultery” (ELCA 2006: 22). For this reason one should abstain from sex until marriage in order for this concupiscence to remain unreleased. Yet in this hypothetical story of Luther's creation, the woman's husband is impotent and the marriage has not been consummated. (ELCA 2006: 22). If Luther here implies that concupiscence is “unleashed” not through one's first sexual experience, but by some other factor (age, level of intimacy in the relationships, physical attraction, etc.), this is actually an argument *against* abstaining until marriage instead of for it. If concupiscence is so uncontrollable, then a Lutheran response to the contemporary trend of delayed marriage would certainly include a moral

option for non-marital sex. Either that or Luther's story and explanation are untenable. I will address this in greater detail below.

What we are left with, then, is an argument for virginity at marriage based on a metaphysical idea of “purity.” While I have already addressed Countryman's argument that Christian purity is based on purity of heart and not on any bodily concept, it is still important to explore these arguments. In response to the question “what's the best way to encourage people to save sex for the covenant of marriage?” Richard Ross, co-founder of True Love Waits, answers that the solution is “a sincere promise of purity made to the reigning Christ for the glory of the Father by the power of the Spirit” (Regnerus, Ross, and Freitas 2010: 60). One of the reasons for keeping this promise is because “they know their Lord and Savior said, 'if you love me, you will keep my commandments’” (Regnerus, Ross, and Freitas 2010: 60). This quote alludes to a very difficult topic: how the scriptural law applies to Christians. While it is worthy of its own multi-volume work, the question of law for Christians is confusing and at times paradoxical. To which commandments was Jesus referring? If the *mitzvot*, then in their entirety? If not, how do we know which *mitzvot* apply and which do not? There are many authors offering answers to these questions, and it is rare for any two of them to agree in full. Keeping in mind my belief that the chief law is found in the first commandment and all sin comes from idolatry, I believe it necessary to expound on how non-marital sex is or is not idolatrous. That discussion, however, I will save for below. Returning to Ross's comments, he goes on to state that “students making promises that are Christ-focused, Word-centered, and Spirit-empowered will likely live in purity up to their wedding day or beyond” (Regnerus, Ross, and Freitas 2010: 61). While Ross employs all the proper catch-phrases, the argument strikes me as works-based righteousness. The implication

that we are justified through our virginity is not theologically sound, at least from the perspective of Protestantism.

In the same article, Donna Freitas offers her response to the same question. Hers is based on separating abstinence from marriage and exploring a more realistic pedagogy based on a single person's daily life. As she says, “Most students need help in seeing their way out of hookup culture for this coming weekend, never mind being asked to see years beyond graduation to the second half of their 20s . . . “ (Regnerus, Ross, and Freitas 2010: 60). While Freitas's advice is pragmatic, it seems to derive from the “one day at a time” process of addicts attempting to overcome addiction than an appropriate sexual ethic for singles. Approaching sex in this way can paint it as an evil that needs to be avoided as opposed to a God-given gift.¹⁰ In her argument, Freitas also seems to conflate non-marital sex with hookup culture. This is a dangerous error. Casual sex is certainly a different issue than non-marital sex in committed relationships embodying mutuality. While Freitas's advice may be superb in countering hookups, it falls short of the mark as a sexual ethic for singles.

Steven Tracy offers his own argument for abstinence in an article entitled “Chastity and the Goodness of God: The Case for Premarital Sexual Abstinence.” Tracy's arguments are much of the time salient and well written. For instance, he states:

abstinence before marriage enhances personal and marital health . . . sex is most meaningful and healthy in a relationship in which a couple has made a vow of life long commitment to each other. This provides the safest and most intimate setting for sex, for only in marriage is sex experienced in a relationship in which all of life is shared together. Premarital sex is not the best context in which to experience this powerful act. (Tracy 2006: 62)

¹⁰ I most certainly believe, however, that the “gift” side of sex has been unduly magnified at the expense of forgetting the “curse” side and will discuss this more below.

He also believes that “abstinence before marriage increases the likelihood of being respected and treated with dignity” (Tracy 2006: 65). Both of his reasons so far are nuanced and well-argued.

His third reason, however, is a bit spurious. Tracy states that “abstinence before marriage helps one develop self-control and character necessary for a healthy marriage” (2006: 66). Experience makes it clear that sexual desire is not an uncontrollable force. Even sexually active couples are able to control their desire at inappropriate times and in inappropriate places. Tracy warns youth not to view marriage as an environment of unending sex. He warns that “the rude fact is that in the most healthy marriages spouses get sick, wives menstruate and get pregnant” (Tracy 2006: 67). It seems that Tracy believes that sexual activity is anathema to menstruation and pregnancy. That is certainly a peculiar position in contemporary Christianity.

Tracy's last two reasons for abstinence are that only through abstinence can one be assured of (1) not becoming pregnant or getting one's partner pregnant and (2) the severely reduced threat of contracting an STD (Tracy 2006: 68).¹¹ At issue in Tracy's article is not his reasoning for abstinence, but rather his conclusion. While Tracy's arguments are all well-qualified (for instance he states that marriage is the “best” place for sexual activity and not the only, and saving sex for marriage will “increase the likelihood” of being respected and not guarantee it), his conclusion is not qualified at all: “Sex before marriage is morally wrong because God prohibits it” and God prohibits it because he knows that “reserving sex for marriage enhances the gift, builds personal and relational health, and protects us from harm” (Tracy 2006: 71). Tracy's error, then, is

¹¹ Tracy actually states that the STD threat is “eliminated.” While this is false, I will chalk it up to a semantic argument (2006: 68).

going from qualified arguments to an absolutized conclusion. Although I will jettison his conclusion, Tracy's reasons for abstinence will prove helpful in establishing an appropriate sexual ethic for singles.

Before leaving Tracy's article, it is important to highlight a remark of his that gets to the core of the debate over Scripture and sexuality: "Both the Old and New Testaments bless sex in marriage as a gift from God, and unequivocally condemn sex outside of marriage" (2006: 60). Outside of the patriarchal reasons for questioning Scripture's views on sexuality, Tracy here shows a static view of both sexuality and relationships that can prove fallacious. For instance, *all* sex inside of marriage is blessed according to Tracy. Marital rape, sexual abuse, sexual coercion, and pleasureless sex (in which case the unpleasured party is usually the female), are all blessed embodiments of God's good gift of human sexuality in Tracy's paradigm. Nelson speaks directly to the point when he says:

taken as it stands, such a sweeping judgment can be made only with considerable disregard of demonstrable facts. Rape does occur between married partners; often the weapons are psychic ones, but wife-battering cases grimly attest to physical force as well. And, outside of formal marriage, loving and humanly enriching sexual intercourse does seem to occur in some particular circumstances. Such evidence by itself does not determine morality, but it must be taken seriously. (1978: 121)

Unfortunately, Tracy does not make this argument out of ignorance. He is well aware of the work done by Christian ethicists to bring these inequalities to light. He cites Countryman, Gudorf, and Nelson, all authors central to this thesis, but dismisses them as being "a very recent Christian perspective" (Tracy 2006: 58). This seems to assume that, in order to convince Tracy of inequalities inherent to scriptural views on sexuality, the argument would need to have a lengthy tradition (nevermind that Schüssler Fiorenza did just this). What Tracy is asking for is an impossibility – a hermeneutic based on feminism

or post-modernity has no chance of being anything but “a very recent Christian perspective” given the relatively recent development of each concept.

Double Standards

As the last important topic concerning marriage and virginity, I believe it is important to pay specific attention to the sexual double standard concerning virginity and adultery. While the teaching of the church historically and in the present does not espouse this dualism, both Scripture and societal norms place a high value on female chasteness while almost ignoring male chasteness. Farley is quick to point out that “there is no explicit legislation against premarital sex or against a married man having sexual relations with a single woman” (2006: 36). The man was not held accountable on his wedding night most likely because there was no physical proof of his virginity like there would be for a female.¹² Farley later goes on to discuss a double standard based on the supposed spiritual superiority of men: “Women's bodies needed redemption either through childbearing or through alienation from the body through virginity,” (2006: 139) as it is through virginity that a woman can become “like a man.”

For Loader, the emphasis on female sexuality in the New Testament was based on patriarchy and the verses that did address male sexuality did so when it “could threaten another man's household by adultery, understood as taking what belongs to another man” (2010: 4). He also sees male virginity as less important, not solely because of the lack of evidence on a groom's wedding night, but also because a man cannot become pregnant and thus enter a marriage with an illegitimate heir *in utero* (Loader 2010: 38-39).

Nelson believes the root of the virginity double standard can be found in men's love of competition. The groom can rest assured that his virgin wife will not be

¹² Excluding those instances when no blood is present even when the bride was a virgin.

comparing him to any previous lovers, along with the assurance that in consummating his marriage to a virgin wife, “he is the winner in one more competitive game” (Nelson 1978: 67). He also goes on to address the double standard of adultery in Scripture – that male adultery was conditionally tolerated while female adultery was not. Men were guilty of adultery only when the female half of the relationship was the wife of another man. And in a phrase which illustrates the seeming separation of sex from virginity, Nelson also finds that “when adultery was condemned, the disfavor fell upon the fact that the woman's virginity was lost” (1978: 153).

This gender-based double standard and the emphasis on virginity and the double standard in effect will prove very important in the chapters that follow. A sexual ethic that places so much weight on virginity can be dangerous. If, upon losing their virginity, one interprets this as a permanent condition of “impurity” or as a rite of passage that assigns them to another social class, it could easily lead to increased frequency of sex and a decrease in expected commitment from ensuing partners. Along with having a single standard for both sexes, an appropriate sexual ethic for contemporary Americans would not value virginity as a sign of “purity,” but rather place greater emphasis on the quality of relationships, and by this I mean the entirety of relationships – not just sexual ones in which one is engaged.

Chapter III

TWENTY-FIRST CENTURY SEX: TO INFINITY AND BEYOND

The general tendency of sexual mores in the twentieth century was towards a liberalization of “rules” or deregulation. Many of these changes were incorporated with little controversy into contemporary culture. Others remain quite controversial. Some have raised the hue and cry about any and all changes to the sexual code, insisting that one change will lead to changes *ad infinitum* until arriving at a nihilistic amorality. Some of the changes seen as deregulation have in fact been enhanced regulations applying to all, such as the call to mutuality in *all* relationships including marriage. In this case, while it opens the door for non-marital sex, mutuality is a demanding additional rule for marriage that was previously absent. This chapter will explore the themes and reasoning for the change in sex rules as well as their effects on an argument for non-marital sex.

Sex as Gift (and Curse)

One of the principle changes in Christian views on sexuality is the shift from an anti-sex/anti-body view to a “sex as gift” view. Traditional Catholicism viewed sex merely as a means to the end of procreation with no other validating features. Luther's often ambiguous or contradictory views on marriage and sex have already been discussed yet in some way Luther helped lead to the Puritan view which added communion to the procreative good of sex. It has not been until relatively recently, however, that pleasure was added as a God-given good found in sex. This ideological shift has laid the path for the changes in sexual rules that have taken place, often dramatically, in the past one-hundred years.

The evidence of this belief in sex as gift is bountiful in the literature. Herbert Chilstrom and Lowell Erdahl find that, in sex, humans share in divine (re)creation (2001:

3) and they “believe that sex is God's gift for our good” (2001: 7). The Evangelical Lutheran Church in America's opinion is made clear in a position statement on sexual exploitation, the first volume of *Journey Together Faithfully*, and the social statement on human sexuality approved at the 2009 Churchwide assembly. Found throughout these documents are statements that “sexual desire and appreciation for the beauty of the human body . . . bring joy and delight to human life” (ELCA 2001: 5), “human sexuality was created good for the purposes of expressing love and generating life, for mutual companionship and pleasure” (ELCA 2002: 3), and “sexual love, the complex interplay of longing, erotic attraction, selfgiving, and receiving defined by trust is a wondrous gift” (ELCA 2009: 11). Here the contemporary Lutheran belief includes four reasons for viewing sex as good: love, procreation, communion, and pleasure/happiness.

Beyond these goods, which can largely be considered personal or private, there are corporate goods as well that come from human sexuality. Christine Gudorf begins a lengthy discussion on the public good emerging from sexuality by first illustrating the private good produced. Sex helps sustain life through “its ability to bond . . . Sexual love is able to bind humans together strongly, more strongly than other shared activities” (1994: 129). This ability to bond is much needed in a contemporary society which values the primacy of the individual. This atomistic view of society has developed with community as its primary victim. The dyadic bonds built through human sexuality can help allay this social disintegration. While it is not enough on its own, “sexual love is certainly one important part of the necessary process of deliberately setting about to create connections between humans . . . The survival of human life today seems to require that persons learn to live together cooperatively. If we cannot live together in

twos sustained, at least in part, by shared pleasure, then how can we hope to live together in nonsexual unions?” (Gudorf 1994: 132).

There is an argument, though, that the pendulum swing from anti-sex to sex as gift has perhaps gone too far, or at the least that it has ignored the other side of sex – the idolatrous, selfish side of sex. Martha Ellen Stortz speaks forcefully and to the heart of the recent Lutheran focus on sex as gift:

When speaking of sexuality in recent studies, Lutherans present sexuality as “gift,” suggesting that it is the one facet of human nature that is all *iustus* and no *peccator*, all saved and not sinful. This makes it difficult to speak of the many and various ways in which sexuality itself is in need of redemption . . . Moreover, “gift-language” leads all too easily to regarding sexuality as an entitlement or a right . . . [and] makes it difficult for Christians to acknowledge the destructive capacities of sexuality [such as] narcissism, rape, domestic violence, child abuse, and pedophilia. (2003: 70)

The ELCA's positions do also expose the “sex as curse” paradigm: “Through sexuality, human beings can experience profound joy, purpose, and unity, as well as deep pain, frustration, and division” (2002: 3). The ELCA statement on sexual exploitation points to the idolization of sex as the source of the curse: “Sexual desire becomes lust when it breaks loose from our relationship with God and longs for fulfillment in the false god of sexual pleasure. Lust is an insatiable, unlimited desire to possess . . . “ (ELCA 2001: 5). In the social statement “Gift and Trust,” the denomination's position is that the communion present in sex as gift contributes “longing for connection” that “can render human beings susceptible to pain, isolation, and harm” (ELCA 2009: 11).

While the theme of sex as curse is present in contemporary discussions of human sexuality, it certainly seems to lose out to the sex as gift narrative. Gudorf points out the danger in this imbalance: “One of the problems within the cultural shift away from the Christian understanding of sexuality which has been occurring in secular culture is that

the power of sexuality is denied along with the demons long understood as animating sexuality” (1994: 81).

Some argue the need for sexual regulations at all. They maintain that outside of the minimal requirement for consent, sexuality is a private matter with no need for rules or guidelines. It is because of sex as curse that I argue for regulation of sexuality. Sexual activity can result in unnecessary pain and trauma when no guidelines are provided.

These curses most often come not from the sexual act itself, but from the expectation and desire for intimacy that has become linked with it in modernity and post-modernity. This link, however, has not been a historical constant. Farley provides a concise yet helpful overview on the shift from the family (and therefore sexuality) as an economic unit of (re)productivity to one of emotional bonds. She begins with a summary of Edward

Shorter's work which finds that:

the story of the Western family since the seventeenth century is a story of broken ties. Under the influence of modern capitalism, families lost interest in traditional kinship, generational, and wider community interaction. Preferring romantic love, intense mother-infant bonding, and the close intimacy of the nuclear family, a “shield of privacy” made the family its own isolated world. The family was thus gradually transformed from a productive and reproductive unit into an emotional unit, chosen for the individual freedom and fulfillment it promised. (Farley 2006, 24)

The shift from extended family to nuclear family, from a broad-based concept of community to an atomistic culture, and from the family as reproductive unit to an emotional unit have all infused sexuality with intimacy.

Farley also explores the work of John D'Emilio and Estelle Freedman which provides:

an account of a change from colonial family-centered reproductive systems, to “romantic, intimate, yet conflicted,” marriages in the nineteenth century, and then to contemporary “commercialized” sexuality in which “sexual relations are expected to provide personal identity and individual happiness.” (2006: 25)

Of importance here is the linking of sexuality/intimacy to establishing one's personal identity. It is in intimate relationships that our identity is reflected back to us, and these intimate relationships have become increasingly sexual in nature. In a partner, post-modern Americans now expect a lover, a confidante, a best friend, and a "soul mate." Because of this conflation of sexual activity with intimacy, there exists a "high risk, high reward" nature to relationships. The possibility of pain caused by betrayal or rejection has resulted in the social need for regulations in the sexual sphere.

I have attempted to show that it has not only been the secular, but also the religious tradition that has perhaps overcompensated for its anti-sexual beliefs. Yet, as Gudorf points out, religion has never lost sight of the *power* of sexuality, whereas secular culture has exchanged that power for something consumable. Hopefully a trend towards balance takes place as both sides of the sexual coin merit emphasis. Denying either side is dangerous, as can be seen from the sexual "dark ages" of procreationism as well as the "casual sex" of today.

Deregulation and Slippery Slopes

Many of the changes in sexual mores have, no doubt, been disturbing. The rise in the divorce rate is worrisome. The commodification of sex and hookup culture, whether real or mythic, are deeply upsetting. James Childs Jr. points to the "erosion of the institution of marriage" and how considering experience and society in moral discernment can lead to an "accommodation to change [which] can easily slip into relativism" (1998: 8-9). Childs's warning is important. In liberating sexual pleasure, it is important to *move* the boundaries in which sexual activity is permitted, not *eliminate* them. Labeling the changes of the past century as deregulation would be accurate, but not

all changes have been libero-genic – they have also included compulsions. Yet there are other less nuanced arguments that invoke a slippery slope. Most notable among these was Bill O'Reilly's assertion that allowing gay marriage would also mean that if “you want to marry a turtle, you can” (Media Matters for America).

In many of the arguments for changing the sexual code, there is not simply a “carrot” being offered, but also a “stick.” For instance, in advocating a new sexual ethic based on mutual pleasure, Gudorf notes how, instead of liberating, it would also compel:

The proposed criteria would require, first of all, taking seriously all those obstacles and circumstances which currently prevent sex from being mutually pleasurable. Those include, among others: genital mutilation, fear of pregnancy, fear of AIDS and other STDs, rape and sexual abuse, sexual coercion/harassment, sexual dysfunction, ignorance of sexual biology and technique, and, last but not least, poor sexual communication. The criterion of social responsibility would also weigh in against sexual activity which involves contracting STDs; conception outside stable, ecologically responsible child-rearing situations; or public policies which support sexual ignorance, sexual dysfunction, sexual abuse, or sexual coercion/harassment. The criterion of respect and care for the partner would at least rule out instrumental understandings of partners, including sexual objectification. (1994: 143-144)

The “carrot” in this argument is sexual pleasure, and Gudorf opens up the possibility for that pleasure to be experienced outside of marriage. Yet the “stick” is also equally important; mutual pleasure is the *sine qua non* for sexual activity and this actually ends up “regulating” many socially acceptable practices that prohibit the sharing of pleasure. This makes it difficult to use the word “liberal.” In its meaning as embracing change, it certainly applies. In its meaning of freeing regulations, it certainly does not.

Even those who oppose such sweeping changes in sexual ethics as outlined by Gudorf accept the need to “bend.” Some views that might qualify as conservative pragmatism are evident in Phillip Keane's perspective. For Keane, the social barriers to marriage, such as educational goals and financial independence, have made it less

realistic to expect marriage at a young age. Because of this, it is his belief that “in a limited number of cases, the circumstances surrounding the intercourse of a couple who are deeply committed to each other and who fully intend to marry render their premarital intercourse an ontic evil but not a moral evil” (Keane 1977: 107). Some have labeled this concept “preceremonial sex” as opposed to “premarital sex.” As mentioned earlier, this is the traditional view of non-marital sex where the couple subsequently marries.

While I have previously critiqued Daniel Harrell's article for implying that rape could result in a biblically sanctioned marriage, this does not mean I advocate a wholesale disavowal of his views. For instance, he later goes on to espouse a different side of a conservative pragmatic view:

As long as the couple intend to “sign” their marital love in a marriage contract . . . then a sexual relationship can be affirmed as good, if not yet ideal. But what if an “unmarried” couple doesn't view their loving, committed, and sexual relationship in marital terms and has no intention of living as married? We should still refuse to pit marriage against sex. We can affirm that what they now experience is good, while calling them to a full and faithful expression of that goodness in public marriage. (Harrell 2003: 21).

Here Harrell chooses to view the situation from a pastoral view as opposed to a dogmatic one. This is a wise decision in my opinion. Yet it still does not establish a non-married couple's sexual activity as “good” or lacking sin. I believe this is important if the desire is to establish an appropriate sexual ethic for non-married adults.

Before moving on, I would like to briefly return to pendulums and their broad arcs. It is possible that after the many years of a “repressive” sexual ethic, that the pendulum has swung too far in the opposite direction. This openness to new sexual mores involving not only non-marital sex, but extra-marital and poly-amorous relationships has, luckily, seen its day in the sun and has returned to the realm of the extremely rare. Yet it was significant enough in the late-70s that Nelson thought it merited critique in his work.

The concepts of “open” marriage and “swinging” were discussed by Nelson who gave them a very guarded and qualified acceptance. For contemporary readers, that section appears quite dated and is proof that the slope is not always so slippery.

Delayed Marriage and Its Causes

One of the important causes for the need to revisit sexual ethics for single people, if not the most important, is the trend in the delay of marriage. As noted previously, Americans are getting married at record high ages. If previous generations typically got married out of high school or in college, contemporary emerging adults are delaying marriage until well beyond graduation from college. This is not just a sociological reason for re-examining sexual mores, it is a change in the nature of marriage that necessitates it.

The most comprehensive and up-to-date study on sexuality among America's emerging adults is Mark Regnerus and Jeremy Uecker's *Premarital Sex in America*. While consulting every important set of survey data pertaining to the topic, they also employ a qualitative approach that attempts to find not only the “what,” but the “how” and “why” as well. This proves very useful for this thesis. For instance, along with pointing out the average age upon first marriage for American women is 26 and men is 28 (Regnerus and Uecker 2011: 2), through interviews, they have been able to find seven main reasons for this delay in first marriage: financial, desire to maintain autonomy, too soon for children, desire to travel the world (although most who possess this desire hardly ever actually travel the world), parental resistance to marriage, pursuit of sexual chemistry, and deflated confidence in the institution of marriage (Regnerus and Uecker 2011: 182-194). Some of these are not surprising, such as financial goals and a lack of confidence in marriage. Others, however, are surprising, such as parental resistance. This last reason points to the trend's being more than just the younger generation's wanting to

“sow wild oats” – it implies there is a multi-generational shift in views on appropriate age upon first marriage based on perceived changes in the benefits and hindrances of being married.

Several of the reasons listed above are, for practical reasons, outside the influence of emerging adults. The perceived need for financial independence before marriage along with the completion of education and professional goals, for instance, are difficult trends for individuals to change of their own will. Other reasons, however, are the result of romanticized visions of what life in general and married life in specific should be. The pursuit of the perfect sexual partner, the erosion of confidence in the institution of marriage, and the desire for autonomy while traveling the world are examples. Changing these idealized notions of young adulthood could easily lead to a beneficial change in behavioral trends.

First, by changing the romanticized ideal of a “perfect lover,” emerging adults could defend themselves against the social script that there is someone out there who will instinctively bring one to ecstasy.¹³ Gudorf finds this to be a strong narrative and one which is deeply damaging:

We are bombarded on every side with a romanticization of sexual relationship in our culture, a romanticization which offers itself as the only alternative to total experiential alienation. That romanticization of sexual relationship functions to shift human energy away from reforming alienating structures into vain attempts to achieve an intimacy which supposedly will, of itself, banish the feelings of, if not the fact of, alienation. But unless we attack the real causes of alienation the romanticization of sexual intimacy is self-defeating, for the expectations of sexual intimacy become so high that no relationship can satisfy them. So some individuals abandon sexual relationships one after the other in order to search for the perfect partner with which to establish this intimacy. (1994: 134)

13 The concept of a “script” is central to Regnerus and Uecker. A simple explanation is that a script is what society tells us we’re supposed to do in a situation. The situation can be anything from allowing an elderly woman to take our seat on a crowded bus to the manner in which we should break up with a partner. While there are often multiple scripts available, it is uncommon to create a script that is not already an option.

Coupled with this search for the instinctively pleasurable partner is the denial of the fact that sex in committed relationships has a demonstrably higher level of pleasure than casual sex (Waite and Joyner 2001: 258). Given the diverse sexual tastes and the individual nature of them, pleasing one's partner is a learned behavior, not something passed on through genetics or instinct. For this reason, the pursuit of sexual pleasure through serial monogamy (or even multiple simultaneous partners) actually defeats the purpose. Along with this theme, Gudorf mentions here not only the pursuit of a perfect sexual partner, but also a perfect romantic partner. This concept leads to the erosion of marriage as an institution.

There is a common statistic that most Americans have on hand: half of all marriages end in divorce. This is one of the main reasons for the lack of confidence in marriage as an institution, yet the blame for such a high divorce rate should not be placed solely on marriage, but on our own ideals as well. The third volume of *Journey Together Faithfully* concisely relates this reasoning: “Sociologists, psychologists, and other marital care professionals cite the category 'unrealistic expectations' as one of the primary predictors of marital discord and possible eventual dissolution” (ELCA 2006: 30). To put it simply, many who marry don't know what they're getting themselves into. The romanticized views we have of marriage often start in childhood with the picture-perfect wedding that every young girl is taught they will have. This not only leads to the desire to marry in order to be able to walk down the aisle in a wedding dress, but also to the sinful amounts of money some spend on lavish weddings. The romanticization of the ceremony often does not line up with the reality of marriage. Central to this is the trend implied by Gudorf that contemporary spouses are expected to be magnificent lovers, best friends, co-

domestic caretakers, confidantes, soul mates, and immutable life partners. This ideal is simply untenable – “romantic and sentimental love needs to be debunked and demythologized” (McLean 1985: 116).

The last two reasons mentioned above, autonomy and travel, are signs of the atomistic view of society. Community has been downgraded in favor of an upgraded individual. The ideology of the “Me Generation” of the 1980s is intact. There are two possible defenses against this selfishness that are the most likely to succeed. The first is the embracing of the Christian ideal of community and selfgiving love. This, however, is a tough sell for a nation whose most popular notion of Christianity is seen more in civil religion than in the Gospel. The second defense is maturity. Unfortunately for emerging adults, maturity does not often come before the first signs of gray. In many ways, this pursuit of autonomy is tied to social scripts. When the media portrayal of marriage is being “tied down,” marriage is unlikely to be viewed as positive for a single person pursuing college or career goals. As I mentioned earlier, if there is not a script available, it is highly unlikely an individual will create one. The desire for autonomy and the viewing of society in an atomistic fashion are perhaps the most difficult hindrances to marriage that have been discussed.

Cohabitation and Serial Monogamy

While the occurrence of sex before marriage does not seem to affect any one historical period greater than another, the late twentieth century saw a large increase in the number of unmarried couples living together. This undoubtedly has taken place in the past, but the degree to which it has occurred recently along with the acceptance it has gained mark it as a unique development in sexual ethics. Given the delays in first

marriage with the romantic need for companionship and intimacy, it is not surprising that an option such as cohabitation has been created.

Society may be accepting of cohabitation, but the church certainly has not echoed this sentiment. Often, the church has been completely silent on the issue of single adults and sex. The pamphlet by the Evangelical Lutheran Church in America titled “Common Convictions” spends two paragraphs discussing single adults but does not once mention their sexuality (2002: 5) and the section entitled “Some Misuses of Sexuality” does not refer to non-marital sex at all (2002: 9-10). When it is not silent, the church's view on non-marital sex and cohabitation is negative. In its social statement on human sexuality, the ELCA “does not favor cohabitation arrangements outside of marriage” (2009: 32).

The church's position is undoubtedly influenced by common beliefs that cohabitating partners lack commitment or fidelity and embody negative qualities such as verbal or physical abuse. These beliefs are evidenced by the data: “Cohabitors experience violence and abuse more often than their married counterparts, have lowered sexual exclusivity, and more trouble with alcohol and drug abuse” (Kaczor 2002: 318). It is also often cited that cohabitators that go on to marry are more likely to divorce (Kaczor 2002: 319, Lichter and Qian 2008: 861). There are many other negative factors that point to cohabitation as an unwise choice and these will be discussed in a later chapter. It is sufficient here to state that the church may be reacting appropriately both theologically as well as practically to the contemporary acceptance of cohabitation.

The statistics mentioned above certainly do not seem to point to a relationship embodying mutuality in which the partners live together. Any sort of abuse, whether verbal, physical, or substance, is not a sign of mutuality. Infidelity and promiscuity are certainly not signs of mutuality. This begs the question “what does the data say about

cohabitators who perceive themselves in relationships embodying mutuality?” The research to date, unfortunately, is mute on this question. It would certainly seem probable that “good” relationships would be more successful at cohabiting, but this is an argument from silence. I propose a working theory that relationships embodying mutuality would see much better statistical results from studies on cohabitation than those listed above. Since cohabitation continues to be an important social trend with large effects on community well-being, hopefully a research project will address this question in the future.

Along with cohabitation, a similar late twentieth-century trend is serial monogamy. While many emerging adults may feel that cohabitation is still anathema to their beliefs, the number who can claim only one sexual partner at first marriage is small indeed. Couple this with the persistent American belief that infidelity is a grave moral error, and the trend of serial monogamy is born. From a Christian moral perspective, the question must address how serial monogamy in relationships that embody mutuality is different from serial divorce and remarriage. As stated previously, while the Gospel may prove difficult to reconcile with divorce, society has largely accepted divorce. If divorce and remarriage are acceptable, why should serial monogamy in non-marital relationships embodying mutuality be any less acceptable? The answer somehow involves marriage or the marriage ceremony. Whether by invoking the deep mystery described by Paul or some other metaphysical dimension, the argument that marriage is necessary for sin-free sex would need to address a non-patriarchal approach to marriage. If serial remarriage is acceptable, but non-marital serial monogamy is not, then the reasoning would have to involve more than the continued regulation of women's sexuality.

The church's argument against non-marital sex and cohabitation may not always prove beneficial from a practical standpoint. This may be best illustrated by a hypothetical situation. John and Jane are in a relationship. They are both 19 years old and attend college. They have been dating since high school and are sexually active. They have decided to discuss cohabitation and are open with their parents about their desire to move in together. Their pastor has suggested they consider marriage. John and Jane are not quite sure they are ready for that sort of commitment. Surprisingly, their parents agree with them in spite of their pastor's opinion. While not accepting of their desire to live together, their parents do not think it is something to argue over, given how commonplace cohabitation is.

John and Jane decide to move in together and spend the rest of their college time basically happy together. They enjoy sharing their space and time. This appears to be a “good” example of cohabitation. Upon graduation, Jane gets an offer to pursue graduate studies at a prestigious university that would set her up well for a successful career. John gets an offer straight out of undergraduate work from a company he had his eyes set on since interning there two summers ago. The problem is that the university and company are on opposite coasts. While they both love each other, they agree that at this point in time, educational and career goals are a priority over continuing their relationship.

While hypothetical, a narrative such as this surely plays itself out, with details slightly different, all the time. The question for this argument, though, is “which was a better case scenario: cohabiting and breaking up or marrying only to divorce in the future?” I do not wish to paint this as a false dilemma, but I hope the difficult balance between judging cohabitators that fail and judging married couples that fail is apparent. If society and the church accept divorce, whether qualified or not, the same should be

applied to other relationships. If half of all marriages fail, we should be careful in coercing or pressuring committed couples to marry over cohabit. While marriage certainly is a greater sign of commitment than cohabitation, it also carries with it much heavier baggage in the case of a break up.¹⁴ What should be judged, and judged very closely in an honest fashion, is the quality of the relationship, not its status.

Proportionality

An appropriate guideline, seemingly borrowed from Just War theory,¹⁵ finds that the physical activity in which a couple engages should be in proportion to their level of commitment. This proportionality finds its best elaboration in *Issues in Human Sexuality* put out by the House of Bishops of the Church of England (1991). Using this guideline, a couple need not be married to engage in mutual genital activity. Proportionality also realizes and addresses two false dilemmas mentioned earlier: single/married and sex/abstinence. Using proportionality as a guideline, a committed couple that is not married has available options other than just coitus and abstinence. A “middle ground” of various forms of outercourse or activities involving phone, computer, or video chat could all be considered appropriate depending on the couple's level of commitment.¹⁶

With the advent of safe and effective forms of contraception, it is also possible that a couple embodies a great enough degree of commitment and mutuality that coitus is an appropriate act. As mentioned earlier, the shared pleasure gained from coitus can be a benefit not only to the relationship, but to society as a whole. There are, however, two

14 A failed marriage carries with it baggage that a failed cohabitation would not. Such as the existence of a publicly recorded relationship, alimony, social stigma, etc.

15 The provenance of this thesis has its beginning in an exploration of Just War theory and later how its *iustus ad bellum* and *iustus in bello* could possibly be translated to sex.

16 While I do not consider it here, the contemporary and growing trend of “sexting,” especially among youth, seems deeply dangerous with little to counter a condemnation of it. The speed and ease of passing these sorts of photos on to people outside of the relationship seems too obvious to ignore.

aspects that are important to address briefly here and in detail later. While properly used contraception is highly effective, especially when more than one method is used, contraception is hardly ever properly used on a regular basis. The effectiveness of most contraceptive methods drops severely when perfect use is compared with typical use. Secondly, it is very unlikely that the level of commitment of a non-married couple is commensurate with pregnancy and parenthood. Unless a non-married couple is prepared to marry, and has *expressly stated this belief to each other*, all possible manner of contraception should be used -- possibly including abstinence from coitus.

Sin as Idolatry: Sex Before and After

In exploring an appropriate sexual ethic for single adults, I have as a goal a result that can be accepted and affirmed theologically. I believe setting the bar this high as opposed to, for instance, searching for a result which is the “lesser of two evils,” is important and necessary, considering the twentieth-century trend of deregulation, along with the slippery slope worries of more conservative Christians. In order to meet this higher expectation, it is important to examine scripturally whether non-marital sex is inherently sinful or if it can be sin-free under certain conditions.

A direct comparison of contemporary concepts of non-marital sex with Scripture is, as I have pointed out, not compatible. Using a literal approach to Scripture will find all non-marital sex sinful – even though Scripture is often mute or ambiguous on the issue. Engaging in a hermeneutic of suspicion as well as viewing sin from a broader perspective, however, can prove useful for twenty-first century sexual ethics. I have already examined the sexual code found in Scripture and found it to be patriarchal and often misogynist. This leads one to view the sinfulness of certain sexual acts with a suspicious gaze – questioning whether certain verses are the voice of God or that of the

male priest who likely wrote them. Backing away from specific verses dealing with the sinfulness of specific sexual activities, however, and looking towards idolatry as the one sin from which all others emanate proves more helpful in judging the current issue.¹⁷

The quality of the relationship between the couple is the determining factor in finding whether or not non-marital sex is sinful. If the relationship embodies the qualities outlined by Paul in 1 Corinthians or Nelson in his exposition, then sex could quite clearly be a mutually self-giving manifestation of a God-given love between two people. I would be hard-pressed to find anything idolatrous in this situation. This ideal has God at its center, but the slightest change in detail could easily shift priorities. A common example is deception -- even in an innocent, “white lie” form. If one is even slightly less than honest concerning his or her commitment to or love of the partner with the idea, either conscious or unconscious, that the “right” answer would more likely lead to sexual access, then sex has now been placed before God. This would be the very definition of idolatry.

In the end, then, if a couple can objectively state that their relationship places God before sex, then non-marital sex is not sinful and can be affirmed theologically. This, however, is not the answer, but rather the problem. It is very difficult for any couple to state anything objectively about their relationship at all, much less something that would give them access to guilt-free sex. Exceptions to rules are often necessary, but there are significant reasons to believe that keeping rules in place is faithful to the Gospel as well as the most practical choice for contemporary life. After all, “sinners always think they are the exceptions to the rule” (Nestingen 2003: 36).

¹⁷ This mirrors Jesus's teaching that loving God is the main commandment and upon it rest the whole of the law. While Jesus is speaking from a positive sense, viewing idolatry as the chief sin views it in a negative sense.

Yet even with all these warnings, it is still possible to engage in individual and corporate discernment that aims to find God's will in today's world. With this in mind, it is safe to state that, under certain conditions, non-marital sex need not be sinful and can be theologically affirmed. While making this statement, it is also of utmost importance to maintain the primacy of God in order to keep idolatry at bay, for “When the God-man Jesus Christ is refused as Savior, the man-god in many different guises rushes in” (Benne 1998: 18).

Chapter IV

MAKING A CASE FOR NON-MARITAL SEX

In chapter two, I outlined the role of patriarchy in establishing the sexual injunctions in Scripture along with detailing contemporary ideals of marriage. Central to this was the ideal of mutuality – a symmetrical give and take between both parties. Chapter three described the sexual deregulation that occurred in the twentieth century and pointed out the times in which the seeming deregulation was actually a stricter regulation. The concept of proportionality was introduced as well as the role of idolatry in sin.

Having worked through these major concepts, it is now possible to establish a model for an appropriate sexual ethic for unmarried Christians. Many of the themes previously explored will continue to inform this model and prove relevant to its rationale. The following chapter will test this model against both Scripture and the sociological record to determine if it (1) proves to be non-idolatrous as well as (2) being practically beneficial to unmarried couples.

Double Standards (Reprise)

Chapter two spoke of double standards in the case of the male/female dichotomy. Both men and women should be held to a single sexual standard. Another double standard involves different ethics for married and unmarried individuals. While the presence of an ethical double standard in this case may not be an obvious injustice, I am not the first to bring it to light. James Nelson again proves eloquent on this issue:

Love requires a single standard and not a double standard for sexual morality This implies that there cannot be one sexual ethic for males and another for females, nor one for the unmarried and another for the married, nor one for those heterosexually oriented and another for those oriented to their same sex, nor one for the young and another for the old, nor one for the able-bodied and another for those with physical or mental infirmity. The same basic considerations of love ought to apply to all. (Nelson 1978: 126).

Nelson mentions many double standards going well beyond the two I have mentioned. With the possible exception of the young/old double standard, I agree with him fully.¹⁸ Many of these double standards are outside the scope of this thesis, but the methodology applies equally to them as well. If we are serious about pursuing one standard of sexual ethics for all, then the state of marriage or unmarried cannot be a qualification.

Nelson also mentions the heterosexual/homosexual double standard which, while not a clear-cut analogy, can also illuminate this discussion. To put it another way, “The justice ethic appropriate to heterosexual relationships is the same justice ethic appropriate to same-sex relationships, and vice versa” (Farley 2006: 288). It is the “vice versa” that is most important here. As some authors have concluded, sexually active homosexual couples in relationships embodying mutuality can be positively affirmed both theologically and pastorally. As Adrian Thatcher states, “There clearly are marital values embodied in lesbian partnerships which warrant the official blessing of God precisely because God is already clearly present in them” (2003: 240). I am not sure why Thatcher singles out lesbian relationships as opposed to all homosexual relationships, but the point is salient. Thatcher clearly counters any fear of idolatry in the relationship by stating “God is already clearly present.” If this argument is made “vice versa,” then heterosexual couples who are unmarried yet clearly embody “marital values” would equally be deserving of God's blessing. The Evangelical Lutheran Church in America has reached similar conclusions. As stated in the second volume of *Journey Together Faithfully*, homosexual relationships are free of sin “if they are lived in 1) a commitment to fidelity,

¹⁸ This depends on how one defines “young.” If Nelson means the age of majority, I agree. If he is also including minors, I disagree.

2) with public accountability that shows concern for the importance of stable relationships for a healthy community, and 3) marked by the sort of care and mutual respect love demands in heterosexual marriage” (ELCA 2003: 25-26).

Lutheran ethicists in opposition to the 2009 decision to approve the ordination of practicing homosexuals and the social statement on human sexuality nonetheless find theological problems with expecting abstinence from homosexuals. As Robert Benne states, “[celibacy for homosexuals] may be the best possible response . . . but it is not without problems biblically. Jesus says that celibacy is something that 'not everyone can accept . . . but only those to whom it is given' (Matt. 19:11). Paul likewise allows that many who are encouraged to celibacy will find themselves 'afame with passion' (1 Cor. 7:9) in a way that is neither healthy nor pleasing to God” (1998: 29). If celibacy is only possible for those to whom it is given, what does this say for contemporary American society that sees marriage being delayed at record rates? If lifelong celibacy is a charism given only to the few, is thirty years of celibacy enough for the majority of people? For those without the charism of lifelong celibacy who are also delaying marriage, is there an option other than marrying simply to prevent burning with concupiscence? I do not believe Benne would appreciate the use of his quote above as a justification for non-marital sex, but I also think that an extended option, one that is not limited to either marriage or celibacy, may be logically deduced from it.

Having established that a single standard for heterosexual and homosexual relationships is merited and that some homosexual, unmarried relationships are not sinful and can be blessed by God, one could invoke the “vice versa” mentioned above to establish that there are some heterosexual, unmarried relationships that, while sexually active, can be sin-free and blessed by God. I must admit, however, to the possibility of a

false analogy. One of the reasons why ethicists and the church have found it necessary to examine the possible affirmation of homosexual relationships has been due to the inability of these committed couples to marry. Without the availability of marriage to homosexual couples, the need to explore another ideal short of marriage has been necessary. It is very possible that the “vice versa” in this situation does not work well simply because the option to marry *is* available to heterosexual couples. While I believe the option to marry does not automatically make it sinful to live in a mutually committed, unmarried relationship, it is important to make the distinction between justification of heterosexual and homosexual relationships.

Another double standard mentioned by Nelson is an economic one. For Nelson, “the widespread questioning of traditional understandings of marriage and fidelity today is an exercise of the privileged minority. People who can take for granted a reasonable degree of economy and political security are in a quite different place than those in two-thirds of the world” (1978: 130). If marriage is the only place in which sin-free sex can occur, then the financial barriers to marriage place an undue burden on the poor. If we ignore the romanticization of marriage and the lavish wedding that goes with it, the minimum cost of marriage might seem to be only the price of a license, notary, and officiant. In reality the cost is much greater. Few men would feel comfortable proposing to a woman without some material sign of their commitment, most often an engagement ring. Taking all these things into consideration, even the cheapest wedding might be out of the budget of some people. This surely requires an added option. Having explored double standards, I will again have to turn to them when testing that case in chapter five.

The Importance of Commitment

While procreationism is often a malignant factor in sexual ethics, the fact that a child can result from coitus cannot be denied. This may be a biologically deterministic reason for calling for the importance of commitment in sexual relationships, but it is certainly an important one. Until the creation of safe and effective contraception, procreation was possibly the only reason necessary for commitment before coitus. Even with the use of contraception and the possible side-effects, however, Margaret Farley believes commitment still deserves to be taken seriously as a normative facet of sexual relationships:

Commitment, of course, was largely identified with heterosexual marriage. It was tied to the need for a procreative order and a discipline of unruly sexual desire. It was valued more for the sake of family arrangements than for the sake of the individuals themselves. Even when it was valued in itself as a realization of the life of the church in relation to Jesus Christ, it carried what today are unwanted connotations of inequality in relations between men and women. It is possible, nonetheless, that when all meanings of commitment in sexual relations are sifted, we are left with powerful reasons to retain it as an ethical norm. (2006: 224)

Because of its ability to bond partners together which then provides a more nurturing environment for children, even unexpected ones, commitment is a moral necessity for coitus.

The procreationist argument for commitment, however, ceases to apply to relationships that are non-coital. This can include heterosexual relationships that may be sexual yet stop short of coitus and all homosexual relationships. Yet the call for commitment can still be justified. Returning to Christine Gudorf's sexual ethics, sex can only be moral if it is mutually pleasurable. Commitment, therefore, would be a moral good if it increases pleasure. It does. While highlighting yet another double standard I will address in the next chapter, Mark Regnerus and Jeremy Uecker found evidence that

“no strings attached' language is ubiquitous in contemporary sexual scripts, but it's largely a fiction. For most women, the strings are what makes sex good” (2011: 153). While the focus here is on how commitment affects female pleasure, Linda Waite and Kara Joyner showed that it is also true of males, although to a slightly lesser degree (see page 39 above). Nelson draws on the psychology of Abraham Maslow to point out how commitment is important to increased pleasure. It is in safety that we are free to open ourselves up to our partner:

This rather remarkable portrait of freedom and responsiveness in sexual expression is obviously grounded in the sense of security in the persons here described. Maslow himself makes a powerful statement about grace (though in secular language) in his concluding statement: 'I have suggested that self-actualizers can be defined as people who are no longer motivated by the needs for safety, belongingness, love status, and self-respect because these needs have already been satisfied” (Nelson 1978: 96).

From a negative standpoint, commitment proves to be a moral good as well. Keeping in mind that sex is both gift and curse, pleasure and pain, Regnerus and Uecker again find that “when it's within a stable, romantic context, sex is seldom associated with depressive symptoms” (2011: 155) and that regretting a sexual experience rarely occurs in a committed relationship (2011: 22). Commitment is a moral necessity for sexual relationships simply because it makes them better.

While sexual images and language are extremely commonplace in contemporary American society, honest talk about sex within relationships is surprisingly rare. Yet conversations need to take place *before* sex. Nothing should be assumed before initiating sexual relations – whether coital or not. A partner could simply answer with “well you never asked” if all of the sudden he or she shows signs of disease, is caught cheating, or various other possibilities. Some of the topics that need addressed explicitly are sexual health, one's level of commitment, exclusivity, goals and desires for the relationship,

forms of contraception, and the “what if” of an unexpected pregnancy. If these conversations are difficult enough in a committed relationship, they are next to impossible without commitment. If two people are less embarrassed to undress in front of each other and touch certain body parts with other body parts, yet are unable to talk about disease, contraception, and feelings, then the cart is most definitely before the horse and sex is before God.

Lastly, commitment is central to an appropriate sexual ethic because of its relation to the concept of proportionality mentioned earlier. While proportionality often gets mentioned in reference to the House of Bishops *Issues in Human Sexuality*, Nelson mentions it over a decade earlier: “the physical expression of one's sexuality with another person ought to be appropriate to the level of loving commitment present in that relationship” (1978: 127). A guideline of proportionality fits well with Nelson's holistic view of sexuality. A relationship should have similar levels of emotional and sexual commitment, but also every other possible form of commitment as well.

Sine Quibus Non

I have previously pointed to the primary concept of mutuality as a determining factor in the morality of sexual activity. Mutuality is the one and only *sine qua non* for sex. Yet in keeping things simple, it is easy to oversimplify and assume that some things are clear when in fact they are hidden in the opacity of language. Because of this, I will outline several *sine quibus non*, all of which emanate from mutuality, that make it easier to envision a truly mutual relationship in which sexual activity can be sin-free and blessed by God.

Spread throughout the various publications of the ELCA and its bishops are mentions of characteristics of mutuality. A love that is “kind, caring, [and] committed

provides the setting and the safety” needed for sexual pleasure (Chilstrom and Erdahl 2001: 12-13) and the “qualities of a life-giving sexual relationship [include]: mutual love, mutual respect, mutual openness, [and] mutual faithfulness” (Chilstrom and Erdahl 2001: 40-46). In the social statement on human sexuality, the ELCA approaches requirements from a negative standpoint: “promiscuity and sexual activity without a spirit of mutuality and commitment are sinful because of their destructive consequences” (ELCA 2009: 8). Authors outside of the Lutheran tradition list similar characteristics normative of loving relationships such as “mutual acceptance, commitment and non-possessive devotion . . . [and] communal partnership” (Thatcher 2003: 237). Mutuality, commitment, kindness, acceptance, devotion, and caring are all certainly necessary for moral sex, but they can also easily become mere platitudes. Because of this, it is also necessary to establish exactly what they might look like.

The ELCA social statement on human sexuality goes on to provide specific characteristics of trusting relationships. These are: loving, life-giving,¹⁹ self-giving, fulfilling, nurturing, honesty, faithfulness, commitment, support, hospitality (including outside of the relationship), and blessing society and the neighbor (ELCA 2009: 14-15). With these specific descriptions, it is much easier to objectively hold up a relationship for judgment given the concept of proportionality.

Marie Fortune and Margaret Farley both provide specific guidelines for an appropriate sexual ethic for all. Fortune's five guidelines are that a relationship should be (1) peer-to-peer, (2) involve authentic consent, (3) be responsible of the individual's sexuality, (4) embody mutual pleasure, and (5) possess faithfulness to promises and

¹⁹ Several authors have made the distinction between procreativity and creativity. Cf. Chilstrom and Erdahl (2001: 3) and Nelson (1978:129).

commitments (1995: 75-128). Farley lists seven characteristics, the majority of which are derivative of Fortune's work: (1) do no unjust harm, (2) involve free consent, (3) possess mutuality, (4) contain equality, (5) involve commitment, (6) possess fruitfulness,²⁰ and (7) consider and embody social justice (2006: 215-231). Fortune's work predates Farley's and is generally more reader-friendly. For this reason, I will most often defer to Fortune's wording while inserting Farley's when necessary and not redundant.

Fortune believes that society in general and the church in particular have left individuals with few tools for approaching decision-making given the ambiguous world of contemporary sexuality (1995: 15). She believes that “once we have arrived at guidelines that reflect our original principle, we can refer to them quickly in our discernment process and make our choices more readily” (1995: 37). Fortune's original principle is that of “doing no harm” but I believe that replacing it with “mutuality” would arrive at a very similar set of guidelines. Much of Fortune's beliefs come out of her work with abused women and congregations torn apart by philandering pastors. I think this contributed to her decision to include her first guideline of peer relationships. While I do not subscribe to this guideline fully, its emphasis on equal or symmetrical power should not be ignored. Those in positions of power have an added duty to be proper stewards of that power, especially when it comes to sexual relationships. I do not, however, believe that unequal power relationships and mutuality are mutually exclusive.

The importance of authentic consent in sexual relationships, however, cannot be downplayed and I agree with Fortune fully.²¹ When considering consent, one almost undoubtedly considers the male to be more likely to proceed sexually without consent as

20 Again alluding to creativity over procreativity.

21 This guideline actually forms the basis for the peer rule – an individual is unable to give authentic consent given gross power discrepancies.

opposed to the female's being the aggressor. Fortune cites a booklet for men on how to accurately judge true consent. Among its requirements is that one's partner must have the ability to say no, be of legal age, be unimpaired, and speak one's language (Fortune 1995: 85-96). Central to authentic consent is also the requirement of honesty and full disclosure between both partners. A relationship reflecting mutuality is impossible if one of the partners is withholding information that would affect the other partner's decision either in relationship matters or sexual matters. Farley speaks to this in her section on free consent when she says "if I lie to you, or dissemble when it comes to communicating my intentions and desires, and you act on the basis of what I have told you, I have limited your options and hence in an important sense coerced you. Similarly, if I make a promise to you with no intention of keeping the promise, and you make decisions on the basis of this promise, I have deceived, coerced, and betrayed you" (2006: 219). Free consent is denied in this situation because what is agreed to is not in reality what is being proposed. The presence of honesty and the absence of deception are both requirements for moral sex.

Responsibility in relationships, or to use Fortune's words "stewardship of my sexuality," (1995: 102) is also of great importance in contemporary sexual relationships. This topic includes primarily contraception, or the responsible parenting of children, and protection against sexually transmitted diseases. The topic of contraception is of such importance to a sexual ethic that I will discuss it in depth below, but it is enough to say here that prevention of an unwanted pregnancy is certainly a requirement for moral sex, especially if the couple has no intention of raising a child if the situation does arise. This again points to authentic consent. Both partners must be equally and totally honest and open concerning the discussion of contraception as well as its actual use.

This same requirement for honesty and openness applies to protection against sexually transmitted diseases as well. The use of protection here may not be required given a monogamous relationship where both partners are disease-free, but arriving at this point requires much more trust in each other than occurs within a few weeks or months. Until both partners feel comfortable placing their lives in the other's hands, as that is literally what they are doing, then protection must be used consistently and properly in order to meet Fortune's guideline of stewardship.

Sexual activity that could result in pregnancy or disease without a passive protection against it, such as birth control and true monogamy, should also occur outside of alcohol and drug consumption. As Fortune states, “[Having sex] is not a decision to be made lightly, under the influence of alcohol or drugs, or on the spur of the moment. It is a decision best made in the context of a relationship which is built over time and in which trust and communication are priorities” (1995: 104). Again, commitment and mutuality are central to safe sex and are echoed in Nelson's invocation of Maslow. One cannot truly pleasure or be pleased without a safe environment in which to do it.

Lastly, it is necessary that all individuals from puberty on have access to the information needed to make decisions about their bodies. Abstinence-only education is unacceptable. Treating sexuality as an esoteric discipline into which one will be initiated on their wedding night is neither fair to virgins nor setting marriage up for mutual pleasure. Pleasure comes not only from experience, but from education as well. And while abstinence is certainly an important, and possibly the best, option, many who aim for chastity obviously do not succeed. Those who are unwilling or unable to abstain deserve consideration. Fortune considers both groups when she says:

In fact, some teenagers do abstain . . . until adulthood or until they choose a partner in a committed relationship But for those who choose not to abstain, I am also concerned that they take responsibility for themselves and their partners in order to do least harm. To do this, they must have information and access to [contraception]. They also need access to adults who will talk to them beyond rules and regulations . . . is willing to listen and impart solid information and discuss ethical dilemmas. (1995: 112)

Fortune's last two guidelines, concerning mutual pleasure and faithfulness, are more direct and require less exposition. A relationship embodying mutuality certainly must also contain the sharing of mutual pleasure as well as be faithful. The importance of faithfulness is illustrated by Farley when she states, "The pursuit of multiple relations precisely for the sake of sustaining sexual desire risks violating the norms of free consent and mutuality, risks measuring others as apt means to our own ends, and risks inner disconnection from any kind of life-process of our own or in relation to others" (2006: 225). This shows how all of these guidelines are related and often overlap.

One important requirement for a sexual ethic that does not fit neatly into one of these five guidelines is the public nature of a relationship. A relationship in hiding is much less likely to embody mutuality: "Healthy intimate relationships are possible only in the open, and in community. Secrecy encourages shame and isolation which make it very difficult to discern ethical choices" (Fortune 1995: 31). This requirement points to the communal nature of sexuality. If a couple that truly embodies mutuality but is afraid to announce their commitment publicly because of unjust criticism, then their secrecy is not immoral solely by their own doing. It is also due to the community to which they belong. Families, churches, and other groups must be willing to accept any and all relationships that are built on mutuality and embody the various other descriptions outlined above. They must also keep in mind a single sexual ethic that does not

discriminate based on race and religion or the mixing of them, orientation, marital status, and other similar cases.

A last concern for an appropriate sexual ethic for all is that of relationship permanence. The importance of permanence in marriage is well evidenced in Scripture and Christian tradition. From “marriage is a lifelong commitment of faithfulness between a man and a woman” (ELCA 2002: 6), to “traditionally, the framework of Christian marriage has been marked by three elements: monogamy, sexual exclusivity, and permanence” (Farley 2006: 263), both denominations and theologians have taken life-long commitment to be normative of marriage. A sexual ethic that argues for a qualified affirmation of sex in non-marital relationships would believe that relationship permanence is not a requirement for moral sexual relations. The question becomes just how important permanence is in relationships. While the ideal in marriage is obviously for a life-long relationship, that of non-marital relationships may not be. The ethical implications of this are, I believe, similar to that of divorce as discussed in chapter two. While Jesus spoke forcefully and explicitly on divorce, contemporary society and the church have both arrived at the conviction that divorce, at times, can be affirmed as the appropriate action. If, under these circumstances, a marriage can be temporary, then it is also possible that a non-marital sexual relationship need not live up to the ideal of permanence.

There is an important difference between these two, however, in that the marriage was (hopefully) intended to last for a lifetime while not all non-marital relationships have that same intention. A middle way is possible for non-marital couples by not necessarily affirming their desire to remain together for a lifetime, but by not denying the possibility. In other words, if a couple intends for their relationship to be temporary, it is hard to

judge their sexual expression, at least through coitus, as moral. A couple who does not deny the possibility of a life-long relationship and eventually marriage but is not necessarily committed to this result may possibly still be affirmed in their sexual activity. Sexual expression should be open to creativity and if a relationship has no intention of intending to continue being creative, then sexual activity within that relationship must be held to the rule of proportionality and most likely limited to less-than-coital activities.

The Case

Taking into consideration all of the requirements outlined above, and the need for a sexual ethic to be a single standard applicable to all, here are some characteristics and guidelines for relationships that point to their being affirmable theologically and ethically.

The relationship must be committed. The level of commitment will differ depending on the activity, keeping in mind proportionality, but even for the lowest levels of sexual activity²² there should be some baseline of commitment. The state of marriage is not a requirement for coitus; relationships that involve coitus, however, should either prevent pregnancy in every way possible or else be prepared to marry if conception should occur. Society bears the burden of educating youth to the various means of sexual pleasure other than simply coitus. In some relationships, mutual masturbation, the use of instant messaging, or online video chatting may be preferable means of sharing pleasure, and more proportionally to the level of commitment than coitus. New and novel concepts such as these should be explored and discussed, not laughed at and dismissed.

The relationship must be honest and fully disclosing. This includes everything from how one partner feels towards the other to goals for the relationship. Also included

²² The term “sexual activity” should not presume “genital activity.” Kissing, hugging, caressing are all forms of sexual activity as well.

is whether or not one is disease-free, sexually exclusive, and is using contraception properly. While sexual exclusivity is assumed in a committed relationship, if one partner were to err, honesty and full disclosure would require them to make the error known immediately to their partner – especially if it was a behavior that could put them at risk of disease.

The relationship should, at whatever level of sexual activity, be pleasurable to both parties. This does not mean each activity must be mutually pleasurable. Surely oral sex is more pleasurable for the one receiving than the one giving. If an aggregate pleasure index were possible, however, it should approach equality for the two individuals. Where one party seeks pleasure from the other without reciprocating, it is assured that mutuality is not central to the relationship. As discussed earlier, pleasure, both giving and receiving, is a creative good. Sharing it helps to build the relationship.

This leads to the last guideline – a relationship should in some way offer goodness to society as a whole. Relationships full of drama and crises do not offer goodness to society. They often do just the opposite by drawing family and friends into the chaos of co-dependency. While relationships often encounter rough patches, it is important at these times to judge one's level of sexual activity with what is commensurate given the relationship. Relationships that live up to the ideal of mutuality but deny or ignore the importance of sharing that love and commitment with others are also neglecting an important aspect of their relationship. A couple can model mutuality for others solely through public affirmation of their relationship. This is, perhaps, the most Lutheran argument for serving the neighbor through a loving, committed relationship.

It is important to stress that the above guidelines apply to *all* – not only single adults. Married couples should strive to live up to these ideals as well as college freshmen

who have just started dating. Sexual guidelines for Christians have focused on a *state* of marriage for appropriate sexual conduct as opposed to emphasizing a mutual *process* of relating. The important difference is between how a couple currently relates and how, in an ideal future, they would like to relate along with the process they go through to approach that goal.

Contraception

As mentioned earlier, any activity that could possibly lead to pregnancy, because of proportionality, must be within a relationship of high commitment. The possibility of a child resulting from a relationship requires that both partners be committed to providing for that child in every way. Farley is emphatic on this when she states “no children should be conceived who will be born in a context uncondusive to their growth and development” (2006: 271). Again, denominational resources apply as well: “When a woman and man join their bodies sexually, both should be prepared to provide for a child” (ELCA 2002: 7). Both of these statements do not make marriage a requirement, but they both illustrate the strong importance of the environment into which a child would be born. I believe a simple yet fitting guideline for activity that could result in pregnancy would be that both partners are willing to marry, a self-giving act in favor of the child's welfare, if conception were to occur. In the relationships where one of the partners would feel “pressured” to marry because of pregnancy, it is more likely that the activity within this relationship is not proportional to the level of commitment of both partners to begin with. A statement such as “a loving, mutual marriage is the best place to

raise children” cannot be denied. While it may not be the *only* place, it certainly appears to be the *best*.²³

For couples who are willing to marry if conception occurs, or for those who simply choose to engage in activities that could result in pregnancy regardless of the consequences, contraception becomes a very important topic. While there are certainly religious perspectives that disavow the use of contraception, the Lutheran perspective, and my personal views in particular, do not. On the contrary, contraception can often provide the safety required for greater pleasure. This does not mean that the use of contraception in any way condones or makes acceptable casual sex or hookups. It does not. In relationships that embody mutuality but that are not ready for pregnancy, though, contraception can provide the “safety net” which allows for greater pleasure.

Yet no contraception is completely effective. Even when citing effectiveness rates, those used are often for perfect use and not typical use. When typical use rates are used, the chances of becoming pregnant become much greater. For instance, first-year contraceptive failure rates for the pill are .3% with perfect use and 8.7% with typical use (Guttmacher 2010). This disparity is huge, especially if contraceptive education, if available, cites the perfect use figure and not the typical use figure. Basically, if a couple engages in regular coitus using only a contraceptive pill with typical use, they have a 8.7% chance of becoming pregnant in the first year. This may not deter a couple from engaging in coitus, but it certainly would have a social effect given the number of couples throughout the country.

23 Even a statement such as this which seems to apply throughout history may lose some of its universality if age upon first marriage continues to rise. If the average age for women rises into their thirties, this “rule” may need revision as more women are now marrying and becoming first time parents at ages which may not be the “best” for either the child or mother.

There is no solution that offers 100% effectiveness against pregnancy. Even a woman's decision for abstinence includes the possibility of forceful or coercive sex. While some may dismiss stranger rape as affecting abstinence effectiveness, date rape certainly should be considered. A simple way to increase effectiveness of typical use is to use multiple forms of contraception. Adding a male condom to the pill makes a large difference. Failure rates for condom use are 2% for perfect use and 17.4% for typical use (Guttmacher 2010). Assuming typical use, the failure rate of the pill and condom are 8.7% and 17.4% respectively when used alone and 1.5% when combined. As significant as this drop is, it is also important to point out that this means there is still a 1.5% chance of pregnancy after a year. Adding a third form of contraception, such as diaphragm or spermicide, may even be advisable. For women who are already mothers, the copper-t IUD becomes an option as well.

No combination of contraception will yield 100% effectiveness. It is therefore important for couples who engage in activities that could result in pregnancy to be aware of the chances that conception could occur. If those chances are 17.4%, as in the case of typical condom use, then the couple's level of sexual activity and commitment must be commensurate with the chances of pregnancy. Proportionality must now consider not only commitment and love with regards to sexual behavior, but also the possibility of pregnancy. It is possible that non-married couples can be appropriate stewards of their sexuality while engaging in coitus, but only if they are aware of the probability of pregnancy and discuss this openly and explicitly.

Pit Falls: Recognizing Idolatry

Keeping in mind Nestingen's comment that the sinners always believes they are the exception (2003: 36), it is necessary to lay out some warning signs for when

relationships may be less than objective in judging their level of commitment in order to use proportionality to gain access to sex. In many ways, this can simply be a stating of the above *sine quibus non* in their opposite form. The lack of mutuality points to the work of idolatry. It is also possible, however, to lay out more explicit guidelines.

First, if either partner is less than honest or is deceptive in any way, this is a warning sign that one or both partners is placing sex before God and not vice versa. By overstating one's level of commitment or love for the partner, one places greater value on access to sex than on honesty. This is surely not appropriate given the emphasis on mutuality.

Second, a relationship that does not adequately embody stewardship for the partners' sexuality is most likely not prepared for sexual activity. This includes protection against STDs as well as against pregnancy. As Christopher Kaczor points out, “The greater the likelihood of pregnancy and the less prepared the couple is to be responsible parents, the more dubious their actions” (2002: 315). Placing access to sex ahead of the importance of life, both of the partners' and that of a possible child, is a sure sign of idolatry. It is impossible in this situation to describe sexual activity as sin-free.

Third, any activity or decision-making that places the short-term ahead of the long-term is problematic. Humans think at their worst when they think the quickest – especially in matters of sexuality. As Chilstrom and Erdahl state, “That which gives temporary delight but long-term hurt is sinful. That which leads to long-term life fulfillment for ourselves and others is not sinful” (2001: 20). Decisions on whether or not to engage in a certain activity should not be made *in medias res* but should be discussed

beforehand, especially when these activities jump several rungs of the proportional ladder.²⁴

Fourth, it is of utmost importance to require that alcohol and drugs not contribute to the decision to engage in sexual activity or limit the ability of the couple to be proper stewards of their sexuality. Sex that happens under the influence is most often sex that would not have happened sober. Even in relationships that are currently sexually active, the use of drugs or alcohol can impede the steps taken to protect against disease or pregnancy. For this reason, any sex in a committed relationship that occurs under the influence must assume passive means of protection. As mentioned earlier, this would include sexual exclusivity after proper testing as well as birth control that does not require that an action be performed before engaging in coitus.²⁵ Placing the temporary pleasure of alcohol or drug use before the stewardship of one's sexuality again diminishes the value of one's life along with the possible life of a child. This also points to idolatry.

Last, a relationship that is not committed yet is sexually active is idolatrous. For many reasons listed above, commitment is a requirement for almost any form of sexual activity. Inherent to commitment is fidelity and monogamy. If one or both partners is unfaithful, they are placing access to additional sex partners ahead of their promises and commitments. This is idolatrous. There are some subtle signs that a relationship lacks mutual commitment, such as one addressed by Regnerus and Uecker when they state that “most emerging adults can identify with what's known as the 'upper hand' in relationships: 'Whoever cares less has the upper hand'” (2011: 70). Any relationship that

24 I do not wish to invoke the cliché of first, second, and third base, but there are obviously different “levels” of activity from holding hands to coitus. Jumping from a peck on the cheek to oral sex is certainly skipping over several “bases.”

25 Unfortunately at this time, this means that temporary and passive forms of birth control are the sole responsibility of women. Men's only passive option for contraception is surgical and difficult to reverse.

is purposefully employing such power differences instead of pursuing mutual commitment is certainly not ready for sexual activity.

The broad topic of commitment is also supplemented by the concept of creativity. If a relationship ceases to be creative, or worse, if it becomes destructive, then sexual activity in it becomes suspect. This does not mean to downplay the possibility of sexual activity as a therapeutic device in a relationship in need of help, but it does point to the importance of examining one's situation if a relationship is “on the rocks.”

Chapter V

TESTING THE CASE: *ULTIMA SCRIPTURA* AND STATISTICS

Having made the case for a single sexual standard that includes an affirmation of non-marital sex in certain situations, it is now time to test this standard. This requires both a theological test as well as a practical test. Chapter two dealt with Scripture but limited its examination to marriage and how biblical ideals of marriage affected sexual codes. This chapter will look at Scripture and its specific relation to the case made in the previous chapter. In other words, does Scripture confirm or deny the single sexual standard laid out above? Traditional Lutheran theology, with its emphasis on *sola scriptura*, would consult Scripture first. Because Scripture is, in this instance, consulted last, I have dubbed it *ultima scriptura*. I believe this can be beneficial given the hermeneutic of suspicion applied throughout. Given the androcentric nature of Scripture, it can at times be best saved for last so as not to “poison the well.”

The second section of this chapter will examine the sociological record to determine if the single sexual standard laid out in the previous chapter is practically advisable. Does it lead to better outcomes? Are certain groups of people better served or worse served by it? Given the nature of twenty-first century sexuality in America, is it a realistic standard? Some results will be surprising.

Scripture and Prooftexting

The scriptural references specifically to non-marital sex are rare. Human sexuality is present in Genesis and Adam is said to have clung to “his wife” (Gen. 2:24). This apparently presumes marriage or some sort of committed relationship. Not much is said in the Hebrew Bible specific to marriage as an institution or as a ceremony. This makes it difficult to understand how marital sex and non-marital sex might be differentiated. The

sexual injunctions laid out in Leviticus mainly deal with who is an appropriate sexual partner and detail the importance of female virginity upon marriage. Recalling the examination of virginity in chapter two, these chapters of the Hebrew Bible need not necessarily preclude contemporary non-marital sex. The Hebrew Bible offers a positive espousal of sexual activity in the Song of Solomon. In this book “there is no mention of procreative purpose nor are the woman and man described as being married” (Fortune, 1995: 118). As has already been pointed out, “there is no explicit legislation against premarital sex” in Scripture (Farley 2006: 36).

The New Testament, however, offers several passages that prove difficult when one considers whether to condone non-marital sex. In his first letter to the Corinthians, Paul states that “fornicators, idolaters, adulterers, male prostitutes, sodomites, thieves, the greedy, drunkards, revilers, robbers – none of these will inherit the kingdom of God” (1 Cor. 6:9-10). This certainly gives pause to a theological affirmation of non-marital sex. The use of the Greek word *pornoi* is a bit problematic. If “fornicators” here refers to all unmarried sex, then it is certainly grounds for dismissing the single standard laid out above. But if “fornicators” refers more generally to the “sexually immoral,” this need not deny the possibility for moral non-marital sex. In this case, I believe “sexually immoral” to be the better translation of *pornoi*. A committed relationship embodying mutuality is certainly in a different realm than that of idolaters, adulterers, prostitutes, and thieves.

Again in Ephesians, Paul speaks of sexual impurity when he says “fornication and impurity of any kind, or greed, must not even be mentioned among you, as is proper among saints” (Eph. 5:3). The Greek word used here is *pornei*, a word related to *pornoi* above. Again, the specific meaning of “fornication” is important. When considered alongside “impurity” and “greed,” it seems to point to a sexual immorality based on

idolatry where one is putting sexual desire ahead of God's will. Much like money, it is the lustful desire for more that makes sex sinful in a way similar to greed. The use of “impurity” is also interesting given William Countryman's exposition of purity vs. purity-of-heart. If one assumes Paul is referring to purity of heart and not a sexual purity code, then it is the intention behind the act that makes sexual activity either moral or immoral. Given a committed relationship embodying mutuality, again fornication does not seem to apply.

Considering Scripture in relation to the single sexual standard, then, the Hebrew Bible offers very little argument against such a standard. The excerpts from it that might apply to non-marital sex and its condemnation are too deeply intertwined in the androcentric nature of its writing as well as the patriarchal misogyny of marriage ideals in the Hebrew Bible. The New Testament, however, offers serious problems for the standard laid out in the previous chapter if fornicator/fornication is assumed to refer to *all* non-marital sexual activity. If so, even the most loving, committed, and mutual couple would be violating God's commands by engaging in sex. If, however, fornicator/fornication refers only to the selfish, lustful pursuit of sexual pleasure, then it is possible that the New Testament leaves room for sexual activity within certain non-marital relationships. It is my opinion that Scripture is either mute or affirms the standard previously laid out.

As is often the case in Christian ethics, the scriptural excerpt which seems to speak best to the question is often not even indirectly related to it. This is the case with non-marital sex and Paul's letter to the Romans when he discusses the consumption of meat sacrificed to idols. While Paul specifically addresses solely those who are vegetarian and those who eat meat, it was widely assumed that meat available in the

market was obtained via sacrifice to an idol. When some questioned whether consuming such meat was sinful or not, Paul replied in the negative. His well-nuanced argument, however, is what applies so well to the current question of non-marital sex.

Paul tells his readers that “those who eat [meat] must not despise those who abstain, and those who abstain must not pass judgment on those who eat” (Rom. 14:3). While this may sound as if Paul were straddling a fence, he later goes on to announce that he is “persuaded in the Lord Jesus that nothing is unclean in itself; but it is unclean for anyone who thinks it unclean” (Rom. 14:14). This alludes to the purity of heart concept so central to Countryman's thesis. While the eating of meat sacrificed to idols is not unclean, it also does not necessarily work to edify the community: “let us then pursue what makes for peace and for mutual upbuilding. Do not, for the sake of food, destroy the work of God. Everything is indeed clean, but it is wrong for you to make others fall by what you eat; it is good not to eat meat or drink wine or do anything that makes your brother or sister stumble” (Rom. 14:19-21).

Paul believes that eating meat is acceptable, but that too many fellow Christians may be led astray by such a practice. For some, who Paul later labels “weak,” the eating of meat sacrificed to idols could easily lead to other less benign forms of idolatry. The eating of meat is only for the “strong” (Rom. 15:1). What is acceptable for the strong may not be acceptable for the weak. The strong, therefore, should abstain for questionable practices in order to help build up the weak. This is, perhaps, the best scriptural argument against the adoption of the standard laid out in the previous chapter. Non-marital sex may well be sinless and acceptable before God, but for the “weaker” among us, it could easily lead to a life of idolatry. The body of Christ must come together in dialog to discuss the benefits and drawbacks of such a standard – much like Paul would want us to.

Statistics and Double Standards (Reprise)

It is difficult to judge the effects of non-marital sex on the quality of relationships and marriage. Premarital sex has a long history and there is little to suggest that the rates for virginity at first marriage are greater or less than they were previously. One trend, however, that is undeniably more common is cohabitation. Given the assumption of a committed relationship embodying mutuality as a prerequisite for moral sex, it is not surprising to also assume that some in such relationships would cohabit. The data on cohabitation and relationship success and quality, along with subsequent marriage, are great enough to offer some insight.

Daniel Lichter and Zhenchao Qian found that “cohabitation has replaced marriage as the first union experience for the majority of adults” (2008: 861), thus speaking to the growing trend. They also determined that “marriages preceded by cohabitation are more likely to end in divorce” (Lichter and Qian 2008: 861). This last fact, however, must be tempered with the realization that cohabitators are also more likely to fall into other demographics (specifically education, economic class, and mental health) that also make divorce more likely (Lichter and Qian 2008: 862). Also at issue in failed cohabiting relationships is the lack of foresight with which the partners decide, or fail to decide, on cohabitation (Lichter and Qian 2008: 862). This is a common characteristic of cohabitators and has been labeled “sliding” where couples simply “fall” into a cohabiting relationship based on an exogenous event such as a job loss or eviction (Sassler 2010: 564). Cohabitators are also more prone to breakup given its “cost.” If the ending of each relationship can be considered to have a cost, both emotional and financial, then each subsequent breakup will leave the individual better adept at dealing with both the emotion and financial hardships resulting from separation (Lichter and Qian 2008: 863).

Given a lack of commitment, this makes it even easier to exit a relationship. Perhaps most worrisome from Lichter and Qian's study is their finding that only 15% of cohabitators who experience a pregnancy marry whereas roughly 25% separate (2008: 863).²⁶

Linda Waite and Kara Joyner report similar findings such as “cohabitators report lower relationship quality than do married couples, but only if they do not have plans to marry” (2001: 249). They also found, echoing the “slide” effect, that “partners in cohabitation frequently bring different levels of commitment to the relationship, with different expectations for its future” (Waite and Joyner 2001: 249). While the data up to now has reported on cohabitation in general, this specific fact highlights a lack of mutuality in the relationship. It is, unfortunately, probably the only statistic easily deemed irrelevant given the standard of mutuality laid out in the previous chapter.

Mark Regnerus and Jeremy Uecker offer probably the most comprehensive study of non-marital sex in America to date. Many of their findings prove salient. They find that the length of time in a relationship before sex is important to relationship success: “*Most relationships fail, and the sooner relationships become sexual, the greater their odds of failure*” (Regnerus and Uecker, 2011: 243). While this speaks to non-marital sex in general and not cohabitation in specific, there are still data showing the ill effects of cohabitation. Cohabitation, “in the majority of cases . . . doesn't achieve permanence . . . First experiences with cohabitation have the best shot at ending in marriage . . . subsequent cohabitations are less successful” (Regnerus and Uecker 2011: 249). While

²⁶ Lichter and Qian's study relied on data from participants that were 14-22 years old in 1979. While the findings are informative, they must be considered in light of the age of the participants and the rapidly changing trend of cohabitation.

this is bad news for cohabitation, it does not address the quality of the relationship – only that most of them fail prior to marriage.

Sharon Sassler has examined the quality of relationships and sexual pleasure specifically as they relate to cohabitation and reports that “cohabiting couples report higher levels of discord than do marrieds and lower levels of subjective well-being” (Sassler 2010: 565). Sassler also finds that pregnancy, the most common reminder that sex is anything but a private endeavor, is more likely among cohabitators than singles and that it both prolongs and destabilizes the relationship (2010: 565). Cohabitation, then, is certainly not a good situation in which to raise a child.²⁷

The data offered so far all points to cohabitation as a bad idea. The picture becomes bleaker still when double standards again rear their ugly heads. If this thesis started with an examination of marriage in Scripture that pointed out its patriarchal nature, then any possible solution must *improve* the position of women, not make it worse. Yet there is far too much evidence to the contrary to deny. Regnerus and Uecker have found that, given the higher numbers of women on college campuses, supply and demand curves apply just as well to sexual activity as they do to any other consumable product. The higher supply of women therefore lowers the “cost” of sex – in this case measured in various ways that reflect level of commitment (Regnerus and Uecker 2011: 120). If the standard described above allows for non-marital sex, then it would in some ways therefore lower the bar for sexual access – something already taking place. This may not be a problem if non-marital sex and cohabitation produced no negative effect on women. The opposite, however, is true.

²⁷ It is also very possible that a marriage, if it is an unhealthy one, is not a good environment to raise a child. See page 26.

Concerning regret after a sexual experience, Regnerus and Uecker found that “a tally of interviewee-reported sexual regrets in one study of emerging adults reveals that 75 percent of those who reported no regrets were men, while two-thirds of those who did were women” (2011: 136). Closely linked to regret is depression. Regnerus and Uecker also found a disproportionately negative effect on women concerning mental health as well: “One study of casual sex in college notes that the most likely pairing is between self-confident men and distressed, depressed women” then goes on to cite two studies that support the thesis that depression leads to casual sex and not vice versa (2011: 161). Depression does not lead to casual sex, but casual sex leads to depression. They report that “certain types of sexual decision-making can bring about emotional difficulties for women that they might not otherwise have experienced” (Regnerus and Uecker 2011: 162). The story is not all negative, however. They found that “when it's within a stable, romantic context, sex is seldom associated with depressive symptoms” (Regnerus and Uecker 2011: 155) and that good “no strings attached” sex is largely a myth for most women who find that “the strings are what makes sex good” (Regnerus and Uecker 2011: 153).

Regnerus and Uecker also discovered that not only sex by itself was damaging to women, but cohabiting as well: “cohabitation is a win-win situation for men; more stable access to sex, without the expectations or commitments of marital responsibilities” (2011: 250). Combine this with the fact that “a sustained pattern of serial monogamy – implying a series of failed relationships – hurts women far more than it hurts men” (Regnerus and Uecker 2011: 145) and it appears that the attempt to deconstruct a sexual ethic based on patriarchy may not be successful in liberating women.

Again, the data cited by Regnerus and Uecker most often refers to the success or failure of a relationship, not its quality. Waite and Joyner's study, however, focused both on success as well as emotional health and satisfaction. They found that “single men in relationships that they expect to last a lifetime and cohabiting men do not differ from married men in emotional satisfaction” while “cohabiting women face odds of achieving any given level of satisfaction or higher that are about 40% lower than those of married women” (Waite and Joyner 2001: 253).

It seems on every level, then, that women are disproportionately affected in a negative way by non-marital sex and cohabitation. This makes it very difficult to consider the sexual standard laid out in the previous chapter as appropriate. It is difficult, however, to ascertain from the data any sense of mutuality in the relationships examined. Is it possible that there are “good” cohabiting relationships and “bad” cohabiting relationships? And that the bad far outnumber the good? There are no data available for “good” cohabiting relationships that embody mutuality with which to look for changes in both success rates and satisfaction rates, but one can assume they would be higher.

Revising the Case

Surprisingly, it was not the religious argument that put the brakes on the case laid out in the previous chapter, but rather the secular data obtained by sociologists and health workers. In chapter two above, Richard Ross argued that studies showing abstinence-only education to be a failure then went on to announce True Love Waits as a failure. He felt this was fallacious (Regnerus, Ross, and Freitas 2010). The only hope for salvaging the case laid out above is by invoking the same fallacy – it is inaccurate to examine *all* cohabiting relationships and then assume specific ones contain all the same characteristics of the average. If cohabitation in general proves detrimental to women,

then cohabiting relationships embodying mutuality need not meet those same conclusions.

Central to the standard being examined, then, is the focus on mutuality, the warning signs of idolatry as laid out above, and the idea of practice. If serial monogamy makes each future break up easier because one is more experienced at it, then the same should also apply but in reverse. With each relationship into which we enter, there should be something learned that we can take into the next relationship thereby increasing the chances of its success and our happiness. If we view relationships simply as *I/It* relations that are bound to fail, then we will never get any experience in working through problems. Even as early as middle school or high school, relationships can be an educational experience where couples learn how to get through minor conflicts before calling it quits.

Referring to the life-long commitment of marriage, Stuart McLean finds that:

covenant implies a binding together within which there is a standing together “in spite of.” Within covenant the possibilities of “I-thou” relationship can develop. If communication is kept open and sufficient dialogue occurs, one begins to identify, and then to accept, the real persons who are partners. This discovery of whom we are often takes a long time. The function of “in spite of” relationship allows the *time* to make this discovery. (McLean 1985: 115)

It is the “in spite of” that I believe requires practice. The seriousness of the trait causing conflict must, of course, be commensurate with the age of those involved and the level of commitment involved. I would never expect a middle school couple to remain together “in spite of” a cross-country move or a high school couple to remain together “in spite of” one's drug conviction. Yet practice in getting through “little” conflicts early on is important to working through bigger conflicts in more important relationships, such as marriage. This practice need not be limited to romantic relationships either. McLean

comments further when he asks “can [youth] be taught to accept [parents, friends, and people they date] 'in spite of' rather than either rejecting or idealizing them? Can they learn what loyalty and commitment are, so that marriage is not the first time they perceive it as expected of them?” (1985: 115).

Surely teenagers are too young to comprehend the intricacies of Buber's work, but the idea of overcoming conflict instead of mere capitulation is a behavior that must be practiced in order to be improved. If one waits until their first cohabiting relationship to attempt to overcome conflicts in relationships or to see another person as a *Thou* instead of merely as an object of love and sexual desire, they are setting themselves up for failure. While sexual relationships may have a minimum age at which they are appropriate, relationships in general begin before birth and can be perceived, practiced, and improved before birth. Perhaps the inability to effectively relate is the greatest defect in our atomistic society, but it need not result in 50% divorce rates and disproportionate numbers of depressed women.

Chapter VI

MOVING FORWARD: THE CHURCH'S HOMEWORK

The issue of non-marital sex is not solely about sex. There are also important concepts of moral discernment and changing epistemological trends as a post-modern church continues to draw on modern and pre-modern paradigms. This chapter will examine how the church can better educate its members towards improved methods of moral discernment – both individual and corporate. Central to this are two key concepts: moral education and a shift from a rule-based ethic to one more casuist and focused on specific circumstances.

Moral Education

The church's attempts to educate its members in how to make moral decisions has been sorely lacking. This inability to educate people in decision-making is not the fault solely of the church, however, as society itself has “all but abandoned the responsibility to equip people with the skills to make serious ethical choices” (Fortune 1995: 15). It certainly is difficult to inculcate decision-making practices in a political environment where abstinence-only education is the norm, but the church can surely reserve a space in the religious sphere for taking on tough questions and examining how they can be answered. In this, unfortunately, the church has often been silent. Silence is anathema to decision-making. While certain topics may be very difficult to discuss either in a church setting or in a political setting, failing to address them does not in any way lead towards resolution. While the political sphere may continue to be a difficult place to broach controversial topics, the church should not be.

Discussion of these topics should begin with individual discernment. How we make moral decisions, however, is a process that few have any education in using. A

common assumption when faced with an ethical question may be to “go to the Bible.” Yet as I have shown throughout, Scripture is hardly the easiest or best place to look for every answer to every question. While it certainly should be a source that is considered, its androcentrism makes it difficult to discern solely through its use.

Also important to individual discernment is experience. This could be either personal experience or vicarious experience. Valuing experience is important because “our experiences are prior in the sense that we are driven to study . . . what we have experienced in the world” (Scharen 2010: 42). Keeping this in mind will also prove beneficial when individual discernment processes meet in corporate discernment. While often contentious, corporate discernment need not be confrontational if we keep in mind that “no matter the outcome of one's process of moral discernment . . . , understanding the 'priority of experience' as central to all our moral views enables us to see that it is not only naïve to expect very different people to agree, but to expect an easy, quick, or painless change of mind” (Scharen 2010: 42).

Placing a priority on experience is common to other authors as well, although they may phrase it differently. For Christine Gudorf, “we need to begin doing ethics with a description of the reality of our situation” (1994: 3). For Schüssler Fiorenza, the switch from emphasizing the “word” of Scripture to the “narrative” is important for her hermeneutic (1983: 152). It is through these narratives that individuals can obtain the experiences of others vicariously. This method of gaining experience vicariously is also important for Margaret Farley (2006: 191). Debate can arise when we assume that each person shares the same experiences. Marie Fortune attacks this view when she states that “it is often assumed that each of us comes to an ethical decision with equal awareness and resources with which to exercise our moral agency” (1995: 26). Here, Fortune is not only

pointing to the differences in personal experience that lead to different opinions, but also to the disparity in moral agency between persons that leads to differing levels of ability to act on that opinion.

Emphasizing experience has certainly not been the church's forte. Neither has the church adopted or implemented a method for moral discernment that is easily usable by its members and effective in making ethical decisions. Alluding to Luther's three-legged stool, Martha Ellen Stortz states that “worship, catechesis, and individual prayer” are practices central to one's identity as a Christian (1998: 63). Catechesis must be more than instruction in church doctrine and history. It must also include education in moral guidelines and decision-making processes. Prayer is certainly of great importance to moral discernment, but without a process for decision making, it is lacking. Prayer is also a central pivot point for the shift from individual discernment to corporate discernment. As Stortz points out in a different essay, “Moral deliberation is a process of prayerful discernment in community. Considering accounts from Scripture, tradition, reason, and experience is only the beginning of deliberation. Deliberation becomes incarnate as Christian communities read and speak, listen and pray” (2003: 60).

Beginning with Paul, the church was an environment of free speech. As David Fredrickson points out, “The community of believers is a speaking place, where the future of the community is determined through unhindered conversation that seeks to arrive at consensus through persuasion” (1998: 117).²⁸ Free speech is central to the ability to pursue the will of God through corporate discernment. Elisabeth Schüssler Fiorenza echoes this sentiment when she says that “*ekklesia* – the term for the church in the New

28 This may be difficult to imagine given Paul's words on the silence of women in church, yet Schüssler Fiorenza's reconstruction of early Christianity points out the possibility that women were central to the early church.

Testament – is not so much a religious as a civil-political concept. It means the actual assembly of free citizens gathering for deciding their own spiritual-political affairs” by corporate discernment through dialog (1983: 344).

If it is through conversation that we attempt to allow the Spirit to speak to us God's will, then access to the conversation as well as a voice in that conversation are a requirement. Those previously silenced in discourse must be allowed to speak freely. This includes the contemporary equivalents of the prostitutes and tax collectors with which Jesus shared meals. This undoubtedly leads to differences of opinion and perhaps heated exchanges, yet it is in “the differences themselves, in communication with one another, [that we] can give rise to a moral outlook, a common moral substance that emerges through interactions in which our perspectives are enlarged and we ourselves are transformed” (Bloomquist 1995: 9).

Rule-based Ethics and Casuistry

To date, the primary decision making process advocated by the church has been to simply “obey the rules.” While there is evidence of a more nuanced process on the synodical or national level, on the individual level this has certainly been the case. Traditionalists often cite verses such as “if you love me, you will keep my commandments” (John 14:15) while avoiding the ambiguous and often anachronistic nature of many of the commandments in Scripture. There are many authors with severe critiques of this rule-based ethics. Fortune locates an important caveat early on in her work: “If you are comfortable living your life based on a simple, rigid set of rules which has been handed you regarding sex and relationships, don't bother to read further . . . , but if you have questions and dilemmas and have not found many people willing to help you wrestle with answers” then Fortune invites the reader in (1995: 16). Fredrickson believes

that living the moral life does not mean “obedience to divine command” (1998: 120). In many ways, obedience is easy. There is no thinking involved, only acting. Anyone who has ever entered into a complex moral question can attest to the fact that ethics is anything but easy. It is complicated, involved, and often times tragic. Rules-based ethics denies all of these aspects.

Rules have two flaws concerning moral-decision making. The first is that they are assumed to be universally applicable. Not only does this universalism apply across geographic and cultural zones, but it applies through historical periods as well. The second flaw is that the rule is assumed to refer to an archetype into which any moral question will fit. Whatever the moral question is, no matter how nuanced or complicated it is, there is an answer in the rules laid out in Scripture and tradition. Both of these flaws are called into question by postmodern ethics. Universality itself is suspect as is the idea that there are a finite number of concrete ethical archetypes into which any situation will fit.

The church's job in contemporary ethics is to both accept and emphasize a casuist-based ethics where specific situations are not expected to have a tidy answer. Central to this shift is a change in emphasis from rules to a more general ethical guideline which has been called by various names, such as principles, norms, and forms. For Nelson, “A principle is a norm which asserts certain moral qualities which ought to be present in a whole range of different categories of acts. It is general A rule, by contrast, is action-specific” (1978: 122). I believe it is ethical principles that should be guiding moral decision-making, not rules. Adrian Thatcher substitutes “norms” for “principles,” but the meaning is intact: “The relation between norms and rules allows flexibility in the way obedience to the rule through moral decisions gives expression to the regulating power of

the norm” (2003: 234). While the phrase “regulating power of the norm” certainly gives me pause, implying a sort of peer pressure to conform, I believe in this case he is applying something less insidious and more in lines with the casuist process I have been advocating.

In Nelson's discussion of principles, he goes on to develop a typology of decision-makers: one who follows only principles, one who follows primarily rules, and one who blends the two. While considering principles, however, Nelson believes in finding in the rule's favor to start: “Given this particular situation, will an exception to the rule actually express greater loyalty to that higher reality upon which the rule itself must rest for its justification?” (1978: 125). Here, Nelson points to the role of idolatry in sin. Is the exception made as an expression of God's will or merely by the sinner always thinking they're the exception a la Nestingen?

It is in difficult situations like this that corporate moral discernment is important, while retaining a casuist philosophy. I believe Fredrickson addresses this best when he says, “Persons in community pursue consensus through testing. Paul understands the moral good as what enhances the whole community taking up the task of testing” (1998: 120). This can be true even of individual decision in which the person consults other church members or trusted friends. He goes on to point out Paul's use of examples over codified rules: “The significance of Paul relying on example rather than code cannot be overestimated. Paul does not demand obedience to an authoritative set of rules, to his own apostolic authority, or even to Christ as the teacher who knows God's will. Instead he exhorts his hearers to be transformed into the pattern of Christ's liberating action . . . “ (Fredrickson 1998: 124).

A decision-making process that uses moral principles and considers the importance of experience can surely arrive at ethical choices better than obedience to a rigid set of rules. More so, this process resists the danger that Marvin Ellison hopes to avoid when he seeks an ethic that “will not seek to control people by fear or guilt, but rather will equip them to make responsible decisions and live gracefully, even in the midst of failure and ambiguity” (2010: 254). Even with an improved ethic based on principles over rules and casuistry over universalism, however, difficulties will emerge. Margaret Farley is quick to point out that “probably no one approach is adequate to the task of contemporary sexual ethics, but a continuing dialogue and a shared search for what is more adequate will be helpful to us all” (2006: 128). Her belief that not only is our ethical environment always changing, but that our attempts to keep up with it always lag slightly behind is important. The “right” answer will never arrive either through casuistry or rules. What we end up searching for is often simply the “better” answer. If we are lucky, the “best.” Yet, tragically, there are many times when the answer is simply the “least bad.” In our post-fall and pre-*parousia* world, often the choices are tragic. What we are left with is only to talk about them. First to God in prayer, and then among each other in a spirit of corporate moral discernment where each voice is heard – the last one hopefully being God's. Childs speaks to this well when he says “the dialogue engaged in is not for the negotiation of opinions but for discerning the will of God” (1998: 111).

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