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Is the requirement of sexual exclusivity consistent with romantic love?

1. Introduction

In many mainstream UK and other western cultures, many people believe that it is important to be sexually exclusive in romantic relationships, and some couples think that it is more important not to have sex with anyone outside of the relationship (which I will henceforth refer to as 'extra-relationship sex') than to have sex with each other. Indeed, adultery is a major cause of relationship dissolution. A survey of the leading 101 family lawyers in the UK carried out in 2011 reported that 25% of divorces were caused by adultery.¹

However, despite our apparent willing acceptance of sexual exclusivity (henceforth SE), on reflection there is a tension in the idea of SE being a requirement of romantic love. This is because sex is generally considered to have value, and usually when we love someone we want to increase the amount of value in their lives, not restrict it, unless there is a good reason to do so. Similarly, most people tend to expect a romantic relationship to be enjoyable and add value to their lives; therefore it is odd that we would accept, and even desire, such a restriction. Of course, we might do this because extra-relationship sex would damage our relationship, but it is not obvious, *prima facie*, why it must do so. If I hate techno music, it might damage our relationship if my partner insists on playing it whenever I'm around; but it seems unreasonable for me to request him not to play it when I'm not there, as long as him listening to it does not change the way he acts with me. Likewise, looked at in one way, it might seem unfair for me to expect him not to have sex with others when I'm not around, as long as it does not change his behaviour towards me.

Nonetheless, many people find greater value in SE than in the freedom to have extra-relationship sex, despite the difficulty of explaining why. However, despite the need for greater clarity over the issue, philosophers have remained largely quiet on the topic. This paper is an attempt to provide some analysis of the role that SE might play in a romantic relationship. I will argue that SE can have

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supportive value in a romantic relationship, and can act as a symbol for, and expression of, the exclusive shared identity that is distinctive to romantic love, as well as partly constituting and building it. SE can help lovers to reaffirm the value of their exclusive shared identity and life by marking their relationship out as distinct from other relationships.

In order to make this argument, I will first examine two possible justifications for SE, arguing that neither succeeds, but that there are things to be learned from them that will help us to develop a more plausible case for SE. These are: 1) SE protects the relationship; 2) SE protects against jealousy.

However, although I provide a potential way for partners to justify their SE to themselves and others, I argue that there are problems with SE being the hegemonic norm that it is, and thus that we should acknowledge that SE is not a necessary feature of romantic love, nor is it *ceteris paribus* more virtuous to be sexually exclusive. Firstly, the value of SE is diminished by it being such a dominant social norm. This is because we do not freely and deliberately choose SE or consider its value. Secondly, the norm of SE can give the idea of faithfulness the wrong focus. We sometimes equate SE with romantic love and so mistakenly assume that adultery necessarily entails a loss or lack of love. Furthermore, we might think that we are being a good romantic partner simply because we are sexually faithful, and thus fail to demonstrate commitment to the relationship in other ways.

Overall, I will argue that in some cases choosing to be sexually exclusive can add value to the relationship. Therefore, SE is consistent with romantic love. However, it is not a necessary feature of romantic love and placing too much emphasis on it can obscure the reasons for being sexually exclusive in the first place. Thus, I suggest that we reconceive the idea of 'fidelity' to mean being faithful to the relationship; doing what we can to preserve its value. This would mean that one could also be unfaithful by, for example, not giving enough time to the relationship or not supporting your partner during a difficult time.

2) Clarifications

Before proceeding I should note that, as no culture is monolithic, the assumptions made in this article concerning beliefs and attitudes will not apply to everyone in mainstream UK and other western cultures, let alone the rest of the world. However, it is fair to say that the ideal of a monogamous romantic dyad is widely held around the world, and it is this ideal that I analyse and challenge. What's more, my discussion focuses on loving, committed romantic relationships held between equals, which might seem odd, given that a) norms of sexual exclusivity probably have their roots in patriarchy, having long been used to discipline women's sexual behaviour and control their reproductive capacities, and b) so many romantic relationships involve an unequal balance of power. I also acknowledge that from some theoretical perspectives, such as some forms of radical feminism, the ideal I discuss is unrealisable for some forms of relationship, such as heterosexual couples.² Nonetheless, the decision to challenge the ideal of an equal, loving, committed two-person relationship was a deliberate one. In relationships of unequal power, the arguments against sexual exclusivity are more obvious and easier to make, and my aim is to show that, even in an equal relationship, the demand for sexual exclusivity within it can and should be held up to scrutiny. Whatever the roots of the ideal, and whether or not it is realisable, if it is something to which many people aspire, then we should be able to provide a rational justification for it.

In addition, romantic love means different things to different people and, though limitations of space prevent me from clearly defining romantic love and accounting for its distinct value, for this paper it is suffice to say that the kind of relationship I describe is a relationship in which the lovers see each other as equals, care for and show compassion towards one another, enjoy each other's company, make a commitment to sharing a life together (though not necessarily forever), and are attracted to each other. In addition, it is an exclusive relationship, in that the lovers do not share this kind of relationship with people outside of it, though the relationship could be held by more than

two people, but probably not by more than a small number, as there do seem to be limits on how many people we can love romantically at a time, based on time and practical resources.³

I should also clarify that when I talk about sex, I do not mean only sexual intercourse. Sex is difficult to define because different people have different ideas about it, and what counts as sexual for one person – licking someone's shoes, for example – might be completely unsexual to another. Alan Goldman argues that sexual desire should be understood as being, simply, the 'desire for contact with another person's body and for the pleasure which such contact produces,'⁴ whereas for Roger Scruton, sex has a *personal* nature, and is aimed, not at an orgasm, or for the physical pleasure that the body of another will provide, but rather at uniting with that *particular* person *because* they are that unique individual. Sexual desire 'involves concentration upon the embodied existence of the other'.⁵ Limitations of space prevent me from engaging with this difficult, but important issue.⁶ However, providing a precise definition is not necessary for the arguments made in this paper as my claims about the role of sex in a relationship allow for variation in what constitutes sex to different people.

3) Two unsuccessful justifications for SE

I will first consider two possible ways of justifying SE: 1) SE protects the relationship and 2) SE safeguards against jealousy.⁷ Though there are lessons to be learned from these arguments, I will argue that neither of them are strong enough to justify making SE a requirement of your relationship.

3.1) Protecting the relationship

One argument in favour of SE is that it is a good policy to adopt in order to protect the relationship. Romantic relationships are valuable but fragile, and it is over-idealistic to think that relationships do not need some measures in place to protect them, which will sometimes require sacrifice. Indeed, people often go to great lengths to maintain their romantic relationships and, as long as the

relationships are good ones, this is usually seen as worthwhile. 'Trading-up'⁸ – when someone leaves their partner for someone else they consider more attractive or suitable – is a fairly common occurrence, and if people were not sexually exclusive they might move between partners more readily. Limiting your choice of sexual partners to one gives you less opportunity and temptation to trade-up, and thus might make you more likely to be satisfied with the relationship in which you are in. Even if extra-relationship sex does not lead to trading-up, it is reasonable to worry that it will lead to an extra-relationship affair, which will mean a diversion of time and resources to the affair and away from the primary relationship. Therefore, SE might be a rational protective measure against this possibility.

However, the need to protect a valuable relationship does not always adequately justify restricting all and only sex to the relationship. Firstly, it should be noted that SE might actually be, at times, a contributing factor to people trading-up and ending relationships: they might leave their partner simply because they are dissatisfied sexually in their relationship or because they are unhappy about being in a relationship in which SE is a non-negotiable feature, but were they able to have sex or intimate relations outside of the relationship they would stay in it. As Tristan Taormino writes in *Opening Up: A Guide to Creating and Sustaining Open Relationships*, 'in the world of monogamy there are usually two choices when something isn't working: stay together or break up. For polyamorous people there are many more options; for instance, the relationship can continue – only in a different form.'⁹

In addition, this justification does not justify restricting extra-relationship sex which is of the sort that has little or no chance of leading to an affair or to trading-up, such as one-off sex with a stranger on holiday whom one knows one will never meet again, or an anonymous sexual encounter had in a sex club. While it is obvious that some things will damage the relationship, such as one partner permanently moving to another country, or having a protracted affair that involves a significant diversion of attention from one's partner to someone else, it is less clear that one or a

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few isolated instances of extra-relationship sex would damage the relationship. Indeed, they could even improve it in some ways. As Mike Martin points out, sometimes extra-relationship sex can boost the adulterer's self-esteem, making them feel liberated and transformed. He quotes a woman who, after an affair, stated: 'it's given me a whole new way of looking at myself...I felt attractive again. I hadn't felt that way in years, really. It made me very, very confident.'¹⁰ Such a boost in confidence could result in renewed effort and energy going back into the primary relationship which would benefit both partners.

In addition, though it is true that some casual sex leads to affairs, so do other activities and relations with people. Should we make it the norm that once we are in a romantic relationship we should stop going to nightclubs and being friends with members of the gender(s) to whom we are normally attracted? A defender of this justification could just bite the bullet and say that this is right, that we should do what we can to protect our romantic relationships. Indeed, people often do make significant sacrifices for their relationship. However, partners have greater flexibility to negotiate the non-sexual sacrifices they make than the sexual ones: if James demands Aisha give up her friendship with her attractive friend Peter because he is worried that she might develop an attraction to Peter, she would feel better able to argue her case for why she should not have to make this sacrifice, and would be more likely to be backed up by other people, than if James demands Aisha gives up having sex with Tomiwa, a man with whom she occasionally has casual sex but has no feelings for. This greater flexibility makes it easier for couples in equal relationships to work out together what is actually needed to protect their relationship. For example, after discussing the issue, James and Aisha might accept that her friendship with Peter is not a threat to their relationship as it stands, but that if she begins having romantic feelings towards him that she will end her friendship. The option of such a discussion is less likely to be available in the case of Tomiwa.

Thus, some extra-relationship is not a threat to a relationship and some other activities and relationships that we don't automatically make exclusive might be more of a threat. Nevertheless, there is something in the idea that romantic relationships need certain protective measures in place. It is true that they are fragile and require sacrifice; thus some measure of SE might be sensible for this reason. However, we need to say more about the relationship between love and sex to explain why SE can be a reasonable and worthwhile protective strategy. Therefore, although I am rejecting this account as it is, there is something to be preserved in it; I return to this in Section 3.

3.2) Jealousy

Roger Scruton argues that we ought to be sexually exclusive in order to avoid jealousy: 'because jealousy is one of the greatest psychological catastrophes, involving the possible ruin of both partners, [sexual morality] must forestall and eliminate jealousy. It is in the deepest human interest, therefore, that we form the habit of fidelity'.¹¹ It is true that jealousy is a powerful emotion, and it seems to be in our interest to avoid it if possible. It is the 'green ey'd monster'¹² that can destroy relationships, take over lives and even lead to violence and murder. However, it is often seen as a sign of love; Peter Goldie describes it as: 'the price that has to be paid for there to be a certain sort of love from a certain sort of person'.¹³ Jerome Neu agrees, arguing that: 'if a person does not feel jealous, [when it is rational to do so] or is incapable of feeling jealous, we tend to suspect that they do not really care'.¹⁴ Not being jealous of your beloved having sexual or intimate relations with someone else might be seen as an indication that you do not love them. In addition, sometimes we first realise that we have romantic feelings for someone when we feel jealous about them being with someone else. Neu argues that jealousy is not an immoral emotion; rather, he argues that fear of loss of affections is at the heart of jealousy, and, as we all need to be loved, we all have a propensity for jealousy.¹⁵ Leila Tov-Ruach also provides an account of jealousy based on fear of loss; though for her, it is not so much the fear of the loss of affection, but of *attention* which is key.¹⁶ This is because she recognises, that people can be jealous in situations where there is no love – 'we can become

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attached to a special sort of attention, an attention upon which we depend, without depending on love.¹⁷ The kind of attention that we may be jealous of is, 'an attention that has a special focus on the individual character of a person, a concentration on some traits that, by virtue of being attended in a special way, come to be thought of as centrally constitutive'.¹⁸ Without this kind of attention, 'individuality starves, physically and psychologically'.¹⁹

However, justifying jealousy is not as simple as saying that it is a fear that extra-relationship sex will lead to a loss of love or attention. People have extra-relationship sex for different reasons and, as discussed above, some has no possibility of leading to love; such as if Aisha has anonymous sex in a sex club with a woman wearing a mask, whom she will never see again. Indeed, many people would still feel jealous if their partner had extra-relationship sex, even if they are certain that their partner still loves and is as committed and attentive to them just as much as before the extra-relationship sex. This does not necessarily make jealousy unjustified, but it does show that we cannot justify all sexual jealousy by claiming it is a reasonable response to the fear of a loss of love or attention.

Furthermore, jealousy is frequently unreasonable and so we shouldn't assume without question that we should alter our behaviour to help our partners avoid it. If James gets jealous every time Aisha talks to men, this does not automatically mean that she should promise never to speak to a man again. This is because James's jealousy is unreasonable and so, even if he feels that he can't help it, finds it very painful, and Aisha does not want him to feel jealous, it would still be better for them both if James tried to overcome his jealousy and we would not just dismiss the possibility of him being able to do so. Similarly, if your partner is jealous of your charity work, or the amount of attention you give to your children, as long as you are giving them a reasonable amount of attention, the right thing to do is probably to continue as you are doing, but try to help them get over their jealousy. It is because sexual jealousy is so normalised that the burden of proof is almost always on the person who does not want to be sexually exclusive rather than on the jealous person to justify their jealousy. Because the default setting for a romantic relationship is for it to be sexually

exclusive, the jealous person is almost always accommodated without having to consider or explain their reasons for being jealous; and many people tend to think it is immature or unreasonable to prioritise your sexual freedom over your partner's sexual jealousy. As Bertrand Russell puts it 'since jealousy has the sanction of moralists, they [partners] feel justified in keeping each other in a mutual prison'.²⁰ However, as jealousy is not always a legitimate reason to attempt to alter someone else's behaviour, if we are to use it to restrict our partners from having extra-relationship sex, we need to be able to explain what it is about sex that is different.

Another potential way of justifying sexual jealousy as a reason to require SE in a relationship is to argue, not only that it is painful, but also that it is inescapable, just a brute response to certain situations. There is a well-known socio-biological account of jealousy that suggests it is an evolutionary adaptation which helps us to pass on our genes. David Buss observes that 'cultures in tropical paradises that are entirely free of jealousy exist only in the romantic minds of optimistic anthropologists and in fact have never been found.'²¹ He argues that the reason that men are generally more sexually jealous while women are more emotionally jealous is because for men, if their mate is not sexually exclusive they have less chance of passing on their own genes and risk devoting resources to another man's child, whereas for women it is more important that their partner stays around to support her and her child.²²

However, even if it is true that we are biologically predisposed towards jealousy, there are cross-cultural differences between the types of behaviour that evoke jealousy and in the degree to which jealousy tends to be felt, which suggests that social norms are at least partly responsible for jealousy.²³ Jealousy is not something that we all possess to the same degree and are all stuck with and, even if it is a brute response, this does not entail that we should adopt an uncritical perspective towards it. It is only because sexual jealousy is so normalised that we do not consider it harmful. If it were the case that some people felt disgust as a brute response to homosexuality because of a biological predisposition, this does not mean that they, or the society in which they live, should just

accept their disgust or that it is impossible to change their response. Randy Thornhill and Craig Palmer argue that rape is an evolutionary adaptation.²⁴ Though their argument is controversial, even if it were true beyond doubt, we would not thereby tolerate rape. We very often try to alter people's predispositions when they are deemed harmful to themselves or others or unreasonable. Indeed, many people do think that we should try to deal with jealousy in friendships and that it is possible to do so. For example, Elizabeth Emens observes that:

'Jealousy of a friend's other friends is generally considered a problem for the one who is jealous, who should thus overcome the jealousy. By contrast, jealousy of a lover's other lovers is generally considered a problem for the one who inspires the jealousy, who should overcome the impulse to be unfaithful to the lover.'²⁵

If sexual jealousy is different from jealousy within friendships, it must be because of the distinctiveness of romantic love and its relationship with sex, and so this will be the ultimate justification for SE, not the jealousy *per se*. Furthermore, even if we have a natural propensity towards sexual jealousy, it is likely that it has such great force, at least in part, *because* of the hegemonic norm of SE and thus justifying the norm through jealousy is circular.

Furthermore, many polyamorists try to master jealousy by cultivating compersion, 'a state in which you derive pleasure from seeing your partner with their other lover(s)',²⁶ rather than trying to control their desire for sexual and emotional relationships with others. In *The Ethical Slut*, Dossie Easton and Janet Hardy provide readers with various strategies for dealing with jealousy, such as disempowering it by refusing to act on it, and simply talking through your jealous feelings with your partner openly and honestly.²⁷ Dealing with jealousy does seem, at least *prima facie*, more conducive to the good life: people who manage it get to have sex outside of their relationship and not feel jealous when their partner does so; whereas those who have committed to SE do not have sex outside of their relationship and feel jealous at the thought of their partner doing so.

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Nonetheless, if romantic relationships are exclusive in some way, then it may not be possible to have a romantic relationship in which some kind of jealousy was not at least lurking in the background. Even if one knows that their partner will continue to love them just as much as before, they might still feel jealous because the love will be different in that it will no longer be exclusive. Part of the distinct value of romantic love lies in its exclusivity and the sense of self-worth we get from exclusive love. As Christopher Bennett observes, in romantic love, 'we feel as though the details of our individual lives are important in their own right, that as the details of a human life, they have a value that transcends their intrinsic interest or usefulness.'²⁸ Furthermore, being chosen over everyone else 'affirms and recognises your sense that the things that make you a particular individual are valuable because someone has chosen you *for* those things.'²⁹ Your value as a distinct individual is fully recognised because your lover has chosen to be in an exclusive relationship with you. If your lover begins to love another, whether or not they still love you, the love will no longer be distinct in its exclusivity; thus its nature will change and it may lose some of its special value. Therefore, if it is important to you that your relationship is exclusive then it is reasonable to be jealous when exclusivity is threatened. However, for *sexual* jealousy to be justified in this way, we need a better explanation of how extra-relationship sex affects the exclusivity of affection between the partners, as this isn't obvious.

To sum up: jealousy is a powerful emotion and is often the proximate cause of a decision to be sexually exclusive. However, sexual jealousy that is not produced by a reasonable belief that your partner might leave you or stop loving you does not seem to be a strong enough reason in itself to require them not to have extra-relationship sex. To use sexual jealousy to justify SE, we need to be able to explain why it is reasonable to require your partner not to have sex with anyone else because it will make you jealous, but unreasonable to require them not to talk to anyone else because it will make you jealous. Such an explanation would need to refer to the distinctiveness of sex and how it relates to romantic love.

4) A better justification: adding value to the relationship

Thus far, I have rejected two ways of justifying SE; however, this does not mean that SE is always unjustifiable or irrational. Although SE is *prima facie* a restriction on one's freedom, many people either do not experience it as such, or they find it a restriction worth making. Unless we want to dismiss the value these people find in SE as irrational, we need to be able to explain why this is. In order to develop such an account, I will begin with a list of the points we have learned from the discussion so far:

- 1) It seems fair to say that romantic relationships require some protective measures to be put in place in order to maintain them. However, this justification does not justify restricting all and only sex to the relationship.
- 2) The proximate reason for a decision to be SE is often jealousy. However, jealousy needs justification, as it can be unreasonable and is not an inescapable brute response to certain situations. Such a justification will need to be derived from the significance of sex and its relationship to romantic love.

In this section, I will try to build up a plausible case for SE, taking into account these considerations. I will argue that SE can support and add value to a relationship of romantic love, and thus that sexual jealousy can be reasonable and appropriate due to a fear, not only of loss of love, but of a change to the nature of the relationship. If a couple see SE as adding value to their relationship, then extra-relationship sex would devalue the relationship. In what follows, I will discuss how SE might add to the value of a romantic relationship. I will suggest that SE can help to create and sustain the shared identity of the couple, thus defining the relationship as a romantic one by affirming its value and demarcating it from other relationships. A couple could choose an activity other than sex to have this function, but sex is not an arbitrary choice. Rather, it makes sense to choose sex as an exclusive

shared activity because, due to some of its expressive and symbolic qualities, we typically connect love and sex.

4.1) How does SE add value to the romantic relationship?

Although it is clearly possible to have sex without love, and love without sex, sex can be partly constitutive of the value of a romantic relationship, and an important vehicle for romantic love in two ways: it can express romantic love and it can 'make love', creating and intensifying it. This is because some of the central goods that many people might want from romantic love can be found in sex. For example, it can be a vehicle for the pleasure of the relationship, for its intimacy and for the sense of union typically felt by romantic lovers. If sex is exclusive then it might be an even more effective vehicle for these goods. For some couples, sex will be more pleasurable the more exclusive it is, perhaps because they will make more effort sexually with each other and/or feel more relaxed and confident knowing they are not being compared to others. Similarly, since intimacy usually requires sharing information and experiences that you share with no-one or very few people, sex will be more intimate the more exclusive it is. In addition, sex might be a more powerful way of expressing and affirming the union of the lovers if it is exclusive, because it will be an activity that helps to delineate the boundaries of their relationship and mark it out as distinct from other relationships.

Therefore, if a couple have sex exclusively, their sex might be a more effective vehicle for their love and union. However, this will, of course, not always be the case; sex can become more perfunctory as a relationship progresses. Nevertheless, even if the sex is somewhat mundane, SE provides the lovers with a space that belongs to them, together, and to them only. Their sexual world becomes a world which only they inhabit with its own norms, history, and rules. Moreover, it is a world that they have created. This is valuable in itself, as a way of celebrating the uniqueness of the relationship and its intrinsic value, but it also has supportive value, providing the lovers with a space to act out and affirm the value and nature of their relationship. It is a place to which they can return

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when they have been feeling distant from one another to bring them closer emotionally. Of course, they can still feel this way if they are not sexually exclusive – sex might be particularly special to them simply because they love each other. Nonetheless, there can be something intelligible in the decision to share sex exclusively as a way to affirm the uniqueness and importance of the relationship.

Furthermore, sharing sex exclusively can be one way of making the relationship distinct and special.

Having this exclusive, private sexual space means that the lovers can clearly demarcate their relationship from other relationships. It tends to be important to people to distinguish their romantic relationship from their friendships because, although the relationships share many features, there are different rights and obligations associated with each type; for example lovers tend to have greater obligations to be more committed and spend more time with each other (though this is not always the case). Therefore, it is important for us to know where we stand, so that we can know what to reasonably expect from a relationship and what will be expected from us. Moreover, if the relationship is distinctly valuable, it might be important for the lovers to do something that demonstrates that they recognise its uniqueness. In addition to simply giving different relationship types different names, lovers tend to *show* that their relationship is distinct and important through various actions that are partly symbolic, but also which build, affirm and celebrate the shared identity of the lovers, their ‘we-ness’. For example, they might hold hands when walking down the road, arrive at and leave social events together and sleep, eat and have sex together.³⁰ If they share their identity exclusively then it will be important for the lovers to do some things exclusively in order to affirm this feature of their relationship. Committing to sharing an activity exclusively can be a clear way to show that the relationship is distinct and special. This idea is in some way reminiscent of the way that children distinguish their ‘best friend’ from their other friends by, for example, allowing only that particular friend to play with their special doll. It is important to do this because relationships are fragile and can be unpredictable; thus, having

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something consistent and tangible to help define the nature of your relationship can help to maintain it.

Sex is an obvious candidate for an activity to be shared exclusively because of its strong connection with romantic love and intimacy. Of course, sex tends not to be the only activity that lovers share exclusively, but many of the other activities they do exclusively may be the kinds of activities that represent and express their shared identity, such as sharing a bed, holding hands, kissing and being naked together. If your lover does these kinds of activities with another person, even if they do not love the other person, you might feel that the exclusivity, and thus the uniqueness, of your relationship has been devalued. This is because these activities represent, express and also partly constitute the exclusivity and specialness of your relationship. If the activities are no longer exclusive, the relationship is less exclusive, which can, in turn, make it less valuable.

This account thus explains why it might be reasonable to be jealous of your partner having sex with someone else even if you do not fear that you will lose them. Extra-relationship sex can undermine the sex had in the relationship by stopping it from being an expression and symbol of the exclusivity of the relationship. Furthermore, this account explains why it is justifiable to be hurt by your partner not only having sex with another person, but also doing the kinds of non-sexual acts that you do exclusively to mark out your relationship as distinct, such as signing Christmas cards together. Indeed, for your partner to sign all of their Christmas cards with someone other than you could potentially feel like as much of a betrayal as them having sex with someone else. If your partner does the activities you normally do exclusively with another person it can feel like they no longer value your relationship, or you, in the same way.

4.2) Limits to this justification

Justifying SE on the grounds that it contributes to the value of the relationship works only if the couple have sex with each other. If they are not having sex then their exclusive sex cannot be a way

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of marking out their relationship as distinct or of affirming their unique shared identity. However, if they do not have sex with each other because they are both asexual or physically unable to have sex, SE will not be of significance to them anyway, as extra-relationship sex is not a possibility. Further, they might decide upon another activity to do exclusively to mark out their relationship and affirm its value, such as agreeing to not sleep in the same bed with anyone else. This might also be the case if only one of them is asexual or physically unable to have sex – they might decide that the other one can have extra-relationship sex, but agree on some other activity they will share exclusively. This lends support to my account by showing that it is not SE *per se* that is important to romantic love, but sharing an important activity exclusively as a way of demarcating the relationship from others and recognising and affirming its significance.

However, sometimes couples are able to have sex, and desire to do so, but are no longer physically attracted to one another, though they once were. In these situations it will be harder to justify the requirement of SE and, indeed, some couples might make their relationships open sexually. My account does not commit me to saying that if they do decide to continue to be sexually exclusive they are always acting irrationally. The stakes are often very high with long-term relationships; a couple might have children and property together as well as being deeply in love. They might also believe that, as they no longer have sex with each other, they are even more prone to attaching emotional significance to sex and thus extra-relationship sex poses more of a threat to the relationship and is simply not worth the risk. Conversely, if sex is important to one or both partners, then maintaining the requirement of no sex outside the relationship if they are not having sex together might cause more harm to their relationship than good. Taking more time to consider our reasons for being sexually exclusive, and indeed, realising that SE is a choice, can make it easier to recognise when SE is not the best policy.

In all cases, the value that SE adds to the relationship needs to be balanced with the value of sexual freedom that gets taken away from the lovers. For some people, limiting sex will severely impinge on

their life, but this impingement tends not to be taken this seriously; instead such people are viewed as silly, selfish or immature and their desire for extra-relationship sex is seen as something they should 'get over'. This is partly because many cultures still tend to value chastity and SE over promiscuity and continue to view sex with a degree of suspicion. However, having sex with different people can be life-enriching. Sex can be fun, pleasurable and can make people feel attractive and important. Moreover, it can be, for some people, a 'fast-track' into an intimate friendship with another; because sex is so physically intimate, it can lead to emotional intimacy too. Frederick Elliston argues that promiscuity can 'engage one's "higher faculties" of reason, judgment and good taste'³¹ and points out that 'in many areas, such as clothing, vocation, and recreation, the need for experimentation and diversity is recognised and conceded',³² so it is strange that we do not recognise this need in relation to sex. Therefore, it is important to remember that, although SE can add value to a relationship, it can also remove an important source of value from people's lives and so whether it makes sense to adopt a policy of SE will depend on the personalities, values, interests, and situations of the lovers.

5) Problems with SE as a norm

Up to this point I have been considering whether SE is an intelligible policy for lovers to adopt. As I have argued, if SE will contribute to the value of their relationship then it can be rational. However, SE is not merely a practice that some people choose and others do not; it is a hegemonic cultural norm, which makes lovers take it for granted that they are sexually exclusive, rather than seeing it as a decision that they have made. Indeed, few people in relationships even talk about whether or not they will be sexually exclusive, and many people do not reflect on their own reasons for choosing SE, because they do not see it as a choice. The excuse, 'but I didn't know we were meant to be exclusive' is not generally held to reasonably excuse sexual infidelity, even if the lovers have never discussed the matter. Furthermore, as I have already mentioned, those who value sexual freedom over having a sexually exclusive relationship run the risk of being looked down upon by their peers

and by society. Therefore, the dominance of the norm of SE means that many people are sexually exclusive without taking the time to consider why. In this section, I'll discuss two problems with the hegemony of the norm of SE: 1) the dominance of the norm makes people less likely to consider their reasons for choosing it, thus diminishing its potential value. (2) It gives the idea of faithfulness the wrong focus.

5.1) The dominance of the norm of SE diminishes its value

As discussed above, SE can add value to a romantic relationship. However, if we do not really have the choice to *not* be sexually exclusive, then it will be harder for us to really appreciate the value of SE. Choosing X over Y makes the way we experience X different to if X had been the default, and, provided we feel that we have made the right decision, can make us value X more. Therefore, not having the option to choose SE can diminish its potential value and might make us less committed to it. Further, if your partner is sexually faithful to you only because of a promise they felt they had no choice over, their fidelity will not mean as much as if they had freely chosen to be only with you. Some advocates of polyamory discuss the difference between 'chosen monogamy' and 'de facto monogamy', the former having more potential value.³³ The lack of choice over whether to be monogamous contributes to the fear that many people have that their partner will cheat on them or that they are not cheating only out of a sense of duty or fear of being left, rather than genuine desire to be sexually exclusive, and these fears can lead to a general sense of insecurity and anxiety which sometimes accompanies romantic love.

The hegemony of SE prevents people from considering the reasons to be sexually exclusive and from constructing and negotiating intimate relationships on their own terms. It also creates misunderstandings about the purpose and meaning of SE. What's more, the paucity of realistic alternatives causes many people to feign SE whilst secretly practising non-exclusivity, as identifying as a sexually exclusive person can be more important than actually practising SE. This can, of course, have devastating results for both the person cheated on and the cheater, such as the end of their

relationship, as well as debilitating feelings of shame and guilt for the cheater and resentment and humiliation for the victim. Indeed, many people struggle to adhere to the norm. Figures vary between studies, but they tend to suggest that about 30%³⁴ to 70%³⁵ of married people have been sexually unfaithful. Furthermore, we should bear in mind that these figures only represent married people, and the number of people who *admit* to infidelity in studies. Although not adhering to a norm does not necessarily show that one is not committed to it, it is fair to assume that one might be less prone to breaking one's commitment had one reflected on one's reasons for deciding to follow it. In any case, if someone does not really believe in the value of SE, then even if they remain sexually exclusive, their faithfulness to their partner will be less meaningful as it is the result of adhering to a norm rather than caring about their relationship.

5.2) It gives the notion of faithfulness the wrong focus

Because SE is such a dominant social norm, it tends to be seen as having absolute rather than supportive value, and thus our concept of what it means to be a faithful romantic partner is skewed. People sometimes mistakenly equate SE with love and therefore, even a desire to have extra-relationship sex can be construed as an indication of a lack of love, as can not being jealous of one's partner having extra-relationship sex. This means that one might think they are being a good and faithful romantic partner if they are sexually exclusive, and it is often assumed that sexual infidelity makes someone a bad romantic partner, or that an adulterer, or a person who accepts their partner's adultery, no longer loves their partner (in the right way). The consequences of these ways of thinking are that otherwise strong and fulfilling relationships might end due to sexual infidelity and that people might not recognise that they are being unfaithful to the relationship by non-sexual infidelity, such as being neglectful of their partner. There is an unwarranted shame in being cheated on and this adds to pressure on victims of cheating to end the relationship rather than forgive their partner, even if that's what they really want to do.

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Being faithful to your partner ought to mean trying to do what you can to support the relationship and care for your partner in the appropriate way. Being sexually exclusive can be a way of doing this, but it is a means to an end, not the end itself; SE is not the foundation stone of a romantic relationship. As Martin puts it, 'the primary commitment is to love each other, while the commitment of sexual exclusivity is secondary and supportive.'³⁶ Moreover, there are other important ways we can and should be faithful in our relationships. These are not set in stone and may vary somewhat depending on what people find important. For example, in one relationship the lovers might find it very important that they are completely open with each other and commit to this being a way that they mark out their relationship as distinct and special. In this case, it would count as a kind of infidelity for one of them to keep a significant secret from the other. Similarly, if a couple agree to share a life together it might be a kind of infidelity for one of them to make a key life decision without consulting the other, such as taking on a new interest which will require most of their leisure time. Indeed, insofar as it prevents you from sharing a life and identity together, simply not spending enough time with your partner or not being open emotionally with them might constitute a kind of unfaithfulness. Of course, not every inconsiderate act towards one's partner counts as a kind of infidelity, but actions, or a lack of actions, which diminish the value of the relationship, break significant commitments and prevent the relationship being marked out as distinct and special, ought to be seen in the same light as sexual infidelity. If we want to maintain that sexual infidelity is wrong, we need to also accept that there are other ways of committing the same kind of wrong and that sexual infidelity is not necessarily worse than these.

Therefore, it is unfair to assume, as many people often do, that it is always worse to be sexually unfaithful than to be a bad romantic partner in other ways, such as being neglectful. Suppose, for example, that James spends little time with Aisha, does not contact her often, takes his holidays alone rather than with her, and doesn't make any effort with her family, despite her asking him to. However, he is sexually faithful to her and never cruel to her, and thus considers himself to be a good romantic partner. One evening in a bar, a man shows Aisha a great deal of attention and she

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has sex with him. It is clear that Aisha has behaved wrongly here, violating her implicit promise to be sexually faithful. However, it seems that James has also broken an implicit promise to her to do what he can to support their relationship. It is simply easier to articulate the wrongness of Aisha's action because the framework through which we understand our relationships takes it as given that SE is pivotal to them. Furthermore, under UK divorce law, if they were married James could petition for a divorce purely on the grounds of adultery. Aisha, on the other hand, would have to petition on the grounds of 'unreasonable behaviour' which would require her to convince a judge that James's behaviour was insufferable (unless they had lived apart for two years and James consented to the divorce, or five years if he did not consent). However, both partners have violated commitments to each other and it is important to recognise this when we judge their actions.

This is not to say that there is nothing wrong with being sexually unfaithful. As Richard Wasserstrom observes, non-consensual sexual infidelity is wrong because it is a violation of at least one of four moral rules: 1) do not break promises, 2) do not deceive, 3) do not be unfair and 4) do not cause unjustifiable harm.³⁷ An instance of sexual infidelity might involve the breaking of a promise to be sexually faithful, deception (though this may not be explicit), unfairness if your partner is being sexually faithful on the understanding that you are too, and it might hurt your partner when they find out. However, as Wasserstrom observes, if a couple have explicitly agreed not to be sexually exclusive and are both happy with this arrangement, then it is not wrong for either or both of them to have extra-relationship sex. This is because it does not violate any of the four moral codes listed above.³⁸ Therefore, sexual infidelity's wrongness is derivative of other moral wrongs, which means that it is not necessarily more wrong than other kinds of promise breaking, deception, unfairness and unjustifiable harm. It might be objected that this is not right, because the promise to be sexually exclusive is a very special promise and so what you have done wrong is not just broken *a* promise, but broken *that* promise. This is true to some extent: breaking a promise to be SE is not the same as

breaking a promise to do the washing up. However, it *is* comparable to the promise to do other things which support the relationship, such as being empathetic towards your partner. Although the promise to be sexually exclusive is important, if it is not a necessary or intrinsic feature of romantic love, but rather has a supportive role in the relationship, then it seems difficult to make a case for it being more immoral to have extra-relationship sex than to do other things which undermine the relationship, or indeed to not do things which would support the relationship. This is especially true if the couple have not openly discussed whether they would be sexually exclusive, or reflected on their reasons for making the decision. Thus, you break a very special promise – indeed, the same promise you make when you agree to be sexually exclusive – when you, for example, do not include your partner in a key life decision or emotionally support them when they are having a tough time.

Taking a broader view of faithfulness would thus make people feel more justified in complaining that their partner is not taking their obligations to the relationship beyond SE seriously; and it might also be more conducive to giving people what most of them actually want – fulfilling intimate relationships. Furthermore, although we should continue to see sexual infidelity as wrong, we should see it for what it is, rather than elevating its significance. As Emens notes: ‘cheating might be less painful for some if the world did not assume that the extramarital activity was the betrayal of a sacred promise, or if the parties did not establish sexual fidelity as the foundational promise of their relationship.’³⁹ In short, the hegemony of SE can make people put sexual fidelity on a pedestal, thus over-emphasising the significance of sexual infidelity and overlooking other ways in which we can be unfaithful to our romantic partners.

6) Conclusion

I began this paper with the question of whether it can make sense to adopt a policy of SE, which entails a significant restriction of one’s freedom, in the name of romantic love. In response to this question, I first considered two ways in which this restriction might be justified: 1) SE protects the relationship; 2) jealousy gives us reason to be sexually exclusive. I argued that neither of these

justifications is successful, but that there were lessons to be learned from them and that SE can be a reasonable requirement of a relationship if it contributes to the value of their relationship. SE can give the lovers a private space in which to affirm and celebrate their unique shared identity and life, helping them to mark out their relationship as distinct from other relationships and to care for each other effectively.

However, although SE can be justified, it is not morally superior to adopt a policy of SE than not to, nor is SE a necessary feature of romantic love. Therefore, SE ought not to be the hegemonic social norm that it is, and there should be greater toleration for non-sexually-exclusive relationship types. This would benefit not only those who do not want to be sexually exclusive, but also those who do. By being so dominant, the norm of SE robs people of the opportunity to choose SE for the right reasons. Indeed, it stops some people from even considering the reasons and, therefore, they do not make a reflected choice to be sexually exclusive and so they do not fully understand or appreciate the value it has. This not only makes adultery more likely, but also diminishes the value that SE could bring to the relationship. In addition, the norm gives the idea of 'faithfulness' the wrong focus. We ought to be faithful primarily to our relationships, to do what is needed to preserve them. SE can be a part of this, but it ought not to be elevated above other kinds of fidelity and demonstrations of loving commitment, all of which are important. Thus, SE is not incompatible with romantic love, but neither is it essential for it.

¹ http://thinking.grant-thornton.co.uk/bspoke/index.php/bspoke_templates/article/uk_statistics_of_divorce_2011_survey_graphic/

² For example, a pamphlet published by Leeds Revolutionary Feminists, 'Love Your Enemy: The Debate between Heterosexual Feminism and Political Lesbianism' (London: Only Women Press, 1981), states 'the heterosexual couple is the basic unit of male supremacy.....In the couple, love and sex are used to obscure the realities of oppression.....Any woman who takes part in a heterosexual couple helps to shore up male supremacy by making its foundations stronger' p. 6. Shulamith Firestone also makes similar arguments in *The Dialectic of Sex: The Case for Feminist Revolution* (London: Verso Books, 2015).

³ Igor Primoratz, *Ethics and Sex* (Oxon: Routledge, 1999) p. 87. This exclusivity can lead to the criticism that romantic love involves the prioritisation of the romantic relationship over other caring relationships, leading to a less well-rounded life. Elizabeth Brake makes a compelling case against this prioritisation of romantic relationships over other caring relationships in *Minimizing Marriage: Marriage, Morality and the Law* (Oxford: Oxford University Press, 2012). Considerations of space prevent me from providing an argument for the distinct value of romantic love, which would require a paper in itself. However, for accounts of romantic love that bear similarities to my own, see Christopher Bennett, 'Liberalism, autonomy and conjugal love', *Res Publica*, 9 (2003) and 'Autonomy and conjugal love: a reply to Golash', *Res Publica*, 12 (2006); Robert Nozick, 'Love's bond' in Robert M. Stewart, (ed.) *Philosophical Perspectives on Sex & Love* (Oxford: Oxford University Press, 1995) and Robert Solomon, 'The virtue of (erotic) love' in Stewart op. cit. The arguments I make in this paper matter as long as we maintain that there is a distinct and valuable kind of relationship which involves love, sex, commitment and exclusivity.

⁴ Alan Goldman, 'Plain sex', *Philosophy and Public Affairs*, 6, 3 (Spring, 1977) p. 268.

⁵ Roger Scruton, *Sexual Desire* (London: Phoenix Press, 2001), p.339.

⁶ For other interesting discussions of what sex is see: Greta Christina. 'Are we having sex now or what?' in Alan Soble (ed.) *The Philosophy of Sex* (Maryland: Rowman & Littlefield Publishers, Inc., 2002); James Giles, 'A theory of love and sexual desire', *Journal for the Theory of Social Behaviour*, 24, 4 (1995); Seiriol Morgan, 'Sex in the head', *Journal of Applied Philosophy*, 20, 1 (2003); Igor Primoratz, 'Is sexual consent enough?' *Ethical Theory and Moral Practice*, 4 (2001); Robert Solomon, 'Sexual paradigms' in Soble op. cit.; Russell Vannoy, *Sex without Love* (New York: Prometheus Books, 1980).

⁷ It might be argued that SE does not protect only the relationship, but also one's partner from the risk of physical and mental harm. The risk of physical harm comes from increased exposure to STDs and violence from rival lovers and the risk of mental harm comes from the distress associated with being in a non-sexually exclusive relationship. I do not discuss this justification because in an ideal polyamorous relationship, partners are responsible with regard to each other's physical and mental health. For example, Easton and Hardy discuss the strategy of 'fluid monogamy', which is where the couple agree to have sex with each other without barriers, but to use condoms and rubber gloves conscientiously with extra-relationship partners: Dossie Easton and Janet Hardy, *The Ethical Slut: A Practical Guide to Polyamory, Open Relationships and Other Adventures 2nd Edition* (New York: Celestial Arts, 2009). Furthermore, they are considerate of each other's feelings; for example they might agree to discuss extra-relationship sex before it occurs and do it only if the other agrees. In some cases polyamorous people feel compersion - happiness when their partner has sex with someone else. Elizabeth Emens in 'Monogamy's law: compulsory monogamy and polyamorous existence' in *N.Y.U Review of Law and Social Change*, 29 (2004) suggests that the key principles of polyamory are: 'self-knowledge, radical honesty, consent, self-possession, and privileging love and sex', p321. Thus, the alternative to SE that I discuss is not of the sort that would be likely to harm one's partner. It could be objected that I am idealising polyamorous relationships here. However, the assumptions that monogamous couples always abide by SE and that SE does not cause emotional distress also involve idealisation. Hence, only an ideal monogamous relationship protects against STDs, violence from rival lovers and emotional anguish. In reality, monogamy does not

always protect against physical and mental harm – adultery is widespread and much sexual violence and emotional abuse occurs within monogamous relationships and those suffering abuse may not have anywhere to turn. Therefore, it is not *monogamy* which protects partners from mental and physical harm, but rather the degree to which partners value, respect and care for one another, and these attitudes can be found in both monogamous and non-monogamous relationships.

⁸ I borrow this phrase from Robert Nozick, 'Love's bond' in Stewart op. cit.

⁹ Tristan Taormino, *Opening Up: A Guide to Creating and Sustaining Open Relationships* (San Francisco: Cleis Press Inc., 2008), p. 217.

¹⁰ Mike W. Martin, 'Adultery and fidelity' in Robert B. Baker; Frederick A. Elliston and Kathleen J. Winninger (eds.) *Philosophy and Sex* (New York: Prometheus Books, 1998), p. 161.

¹¹ Scruton op. cit., p. 339.

¹² Shakespeare, William. *Othello* (London: Penguin Books, 2005), Act 3, scene 3.

¹³ Peter Goldie, *The Emotions – A Philosophical Exploration* (Oxford: Oxford University Press, 2002), p. 240.

¹⁴ Jerome Neu, 'Jealous thoughts' in Amelie Oksenberg Rorty, (ed.) *Explaining Emotions*, (London: University of California Press, 1980), p. 452.

¹⁵ Neu, op cit., p. 433.

¹⁶ Leila Tov-Ruach, 'Jealousy, attention and loss' in Rorty op cit., p. 466.

¹⁷ Tov-Ruach, op cit., p. 467.

¹⁸ Tov- Ruach, op cit., p. 468.

¹⁹ Tov-Ruach, op cit., p. 480.

²⁰ Bertrand Russell, *Marriage and Morals* (London: Unwin Paperbacks, 1976), p. 200.

²¹ David Buss, *The Dangerous Passion: Why Jealousy is as Necessary as Love and Sex* (London: Simon and Schuster, 2000), p. 32.

²² See, for example, David Buss, 'Strategies of human mating', *Psychological Topics*, 15, 2, (2006) p. 254 and David Buss; Randy Larsen; Drew Wester and Jennifer Semmelroth, 'Sex differences in jealousy: evolution, physiology, and psychology', *Psychological Science*, 3, 4 (July 1992).

²³ See, for example: Bram Buunk and Ralph Hupka, 'Cross-cultural differences in the elicitation of sexual jealousy', *The Journal of Sex Research*, 23, 1 (1987).

²⁴ Randy Thornhill and Craig Palmer, *A Natural History of Rape*, (Massachusetts: The MIT Press, 2000).

²⁵ Emens, op cit., p. 289.

²⁶ http://www.polyamory.org.uk/polyamory_intro.html

²⁷ Dossie Easton and Janet W. Hardy 'Roadmaps through jealousy' in Easton and Hardy op. cit.

²⁸ Bennett, 2006, op cit., p. 192.

²⁹ Bennett, 2003, op cit., pp. 297-8.

³⁰ Note that at least some of the activities which have this function are culturally contingent.

³¹ Frederick Elliston, 'In defence of promiscuity', in Baker, Elliston and Winninger, op. cit., p. 83.

³² Elliston, op. cit., p. 82.

³³ See, for example, a recent column by Yana Tallon-Hicks, 'It's OK to go Monogo' (2013) <http://www.valleyadvocate.com/2013/05/14/its-ok-to-go-monogo/>. Taormino, op. cit., p. 215, discusses the validity of the choice to be monogamous, as long as you have explored other options.

³⁴ Judith Mackay, *Global Sex: Sexuality and Sexual Practices Around the World*, Fifth Congress of the European Federation of Sexology, Berlin, <http://www2.hu-berlin.de/sexology/> (June 30, 2000).

³⁵ V. Robinson, 'My baby just cares for me: feminism, heterosexuality and non-monogamy', *Journal of Gender Studies*, 6, 4 (1997); AL. Vangelisti and M. Gerstenberger, 'Communication and marital infidelity' in J. Dunscombe; K. Harrison; G. Allan and D. Marsden (eds.) *The State of Affairs: Explorations in infidelity and commitment* (Mahwah, NJ: Lawrence Erlbaum Associates, 2004). Also see: Alfred Kinsey et al., *Sexual Behaviour in the Human Female* (Philadelphia: Saunders, 1953) They found that half of all married men and a quarter of all married women have committed adultery, p. 437.

³⁶ Martin, op cit. p. 153.

³⁷ Richard Wasserstrom, 'Is adultery immoral?' in Baker, Elliston and Winninger, op. cit.

³⁸ Wasserstrom, op cit. p. 164.

³⁹ Emens, op cit. p. 363.