

***title:***

Compulsory sex education: teaching about the right and the good

***authors:***

Jan W. Steutel and Doret J. de Ruyter

***institution:***

VU University Amsterdam, the Netherlands

***postal address:***

Prof. Jan W. Steutel and Prof. Doret J. de Ruyter  
VU University Amsterdam  
Department of Theory and Research in Education  
Van der Boechorststraat 1  
1081 BT Amsterdam  
The Netherlands

***e-mail:***

[jw.steutel@psy.vu.nl](mailto:jw.steutel@psy.vu.nl)

[dj.de.ruyter@psy.vu.nl](mailto:dj.de.ruyter@psy.vu.nl)

## **Compulsory sex education: teaching about the right and the good**

### **Introduction**

In July 2000 the Department of Education and Employment in the UK issued a guidance on sex and relationship education in elementary and secondary schools (DfEE-guidance). Of the many aspects of school sex education that the guidance addresses, those that are compulsory and those that are only strongly recommended are clearly distinguished. Compulsory are those aims of sex education that are described in National Curriculum Science. These aims almost exclusively pertain to scientific knowledge about biological and virological facts of sex and reproduction. Also compulsory is that all elementary and secondary schools have a sex and relationship policy which is made available for inspection and to parents. Formal requirements point out what should be included in such a policy, such as a definition of sex and relationship education, a description of how it is provided, monitored and evaluated, as well as information about parents' right to withdraw their children from these classes.

It is striking, however, that the conception of sex and relationship education that is offered and supported by the DfEE-guidance predominantly refers to aims and strategies that are *not* obligatory. With reference to the Personal, Social and Health Education framework, the guidance describes and recommends various kinds of personal and moral educational aims, ranging from developing self-respect and learning how to avoid exploitation and unplanned pregnancy, till developing empathy for others and learning the value of respect and care. But schools are free to decide whether or not to incorporate these aims into *their* conception of sex and relationship education.

Recently, however, the government decided to make a more substantial form of sex education compulsory in all state-schools, mainly with the intention of pushing back the high rates of sexually transmitted diseases and teenage pregnancy (over 100,000 in 1998, which the DfEE-guidance describes as “clearly totally unacceptable” (p. 15)). Obviously the intended compulsory sex education will exceed the present aims of the National Science Curriculum, but no official decision has yet been made about which additional aims will be included. However, since the intended sex education will be part of a new Personal, Social and Health Education curriculum, it may be expected that at least some of the educational aims that will be made compulsory are *moral* aims or, perhaps more broadly, aims that pertain to the morality of sex and sexual contacts. But which moral aims could or should that be? What kind of moral framework, if any, may be taken as a basis of compulsory sex education? Does a liberal democratic state have the right to enforce a kind of morally laden sex education, also if groups of parents or particular communities are strongly opposed to it? These and related questions will be addressed in this paper, not with the intention of giving clear-cut answers but to introduce some distinctions and arguments that may further the public discussion about the moral aspects of compulsory sex education.

### **A conception of morally permissible sex**

Different types of moral conceptions of sexuality can be distinguished. Of the types that we shall discuss in this paper, a conception of morally *permissible* sex is the most basic one. Typical of such a conception is that the conditions are pointed out under which sexual acts or sexual contacts are morally permissible (acceptable, admissible) or morally impermissible (unacceptable, inadmissible). The meaning of ‘morally permissible’ and ‘morally impermissible’ can be explained in terms of moral rights and duties. If doing X is morally permissible, we have a moral right to do X, and therefore not a moral duty to refrain from X; and if doing X is morally impermissible, we have a moral duty to refrain from X, and therefore not a moral right to do X.

Especially in modern western societies different and incompatible conceptions of morally permissible sex are supported and defended. Part of compulsory sex education should be that pupils are informed about and encouraged to discuss these different conceptions, including those that are supported by particular religious communities or ethnic minorities. However, our claim is that only one of these conceptions should be taken as the basis of compulsory sex education, namely, the *liberal* conception of morally permissible sex. With respect to this conception too, pupils have to acquire knowledge and understanding of its principles and be stimulated to critically reflect on their validity or tenability. But different from all other conceptions of morally permissible sex, only the liberal conception should also be *promoted*. That is to say, compulsory sex education should encourage pupils to become adherents or advocates of the liberal view of permissible sexuality, in particular by developing those mental qualities that make them both able and willing to observe and uphold its principles.

Constitutive of the liberal conception is the so-called principle of *sexual self-determination*. According to this principle, every adult person should be accorded the equal right of sexual self-determination, that is, the same freedom to arrange one's sexual life according to one's own values, beliefs and preferences. Obviously this is not an absolute or unconditional right. Because it is granted to all adults in equal measure, the principle sets clear limits to our freedom of action: we all have the duty to respect every other adult's right of sexual self-determination. Put another way, we all have the duty to refrain from any kind of action that could rightly be regarded as a violation of someone else's sexual freedom right.

But which forms of behaviour are contrary to this duty and therefore infringements of another person's sexual freedom right? This question can be answered by introducing a second central principle of the liberal conception of morally permissible sex, which is logically related in rather complex ways to the principle of sexual self-determination. This is the well-known principle of *valid consent*. According to this principle, any form of sexual contact is morally permissible if, and only if, all parties involved have given their valid consent (and, in addition, the sex is not inadmissibly offensive nor significantly harmful to third-parties). Moreover, the principle states that a person's consent to some sexual contact is valid if, and only if, it meets the criteria of voluntariness (the consent is not the result of coercion or intimidation), information (the consent is not obtained by deceit or manipulation) and competence (the consent is not given by someone who is incapable of choosing and acting prudently in matters of sexuality).

This explanation of the principle of valid consent, although rather brief and crude, is sufficient to specify the kinds of conduct that are inconsistent with the duty to respect the sexual freedom right of adult persons, that is, of those individuals that are supposed to be competent to choose and act prudently in the sexual sphere of life. By taking valid consent of all the parties involved as a necessary condition of morally permissible sex, the principle specifies which forms of *sexual* behaviour are violations of someone's sexual freedom right. These are precisely those sexual acts to which no consent has been given or, if they are consented to, the consent does not meet the criteria of voluntariness or information because it is obtained by coercion or fraud. And by taking valid consent of all the participants as a sufficient condition of morally permissible sex (given that the conditions pertaining to third-parties are fulfilled), the principle indicates which forms of *non-sexual* behaviour should be counted as violations of someone's right of sexual self-determination. These are actions and measures that seriously hamper particular sexual relations between validly consenting adults, such as penalizing sexual contacts between unmarried adults, bullying or battering persons for having a homosexual relationship, committing so-called honour revenge, and discrimination on the basis of sexual orientation.

Compulsory sex education that is based on the liberal conception of morally permissible sex has two central aims (cf. Archard, 2000). The first one consists in cultivating or promo-

ting the virtue of *respect* for every adult's right of sexual self-determination. Having this virtue implies having a particular attitude, namely, a deeply rooted aversion against any form of violation of someone's sexual freedom right or, perhaps more accurately stated, a strong intrinsic commitment to the principle of sexual self-determination. As we take it, the virtue of respect also implies a certain capacity, namely, being capable of applying the principle of sexual self-determination to particular situations or, to put it differently, being able to determine which acts should count as violations of someone's sexual freedom right under the circumstances.

The second aim consists in fostering or cultivating the virtue of *prudence* with respect to matters of sexuality. This virtue, too, is composed of an attitudinal and capability part. The latter part consists of capacities and skills that are needed for making competent decisions in matters of sexuality and to act accordingly. Being competent to steer a prudent course in the sexual domain is a precondition for having the status of an adult and therefore also for being granted the right of sexual self-determination. One of its components is the capacity of prudent judgement, that is, the capacity to determine whether or not particular sexual contacts will serve our own good. Another component of competence is the ability to act accordingly, that is, to put one's prudent judgements into practice. Although the latter component is often overlooked in discussions of competence, the DfEE-guidance recommends several aims that are clearly related to this component, such as the enhancement of confidence and self-esteem, learning to resist pressure, training assertiveness skills for negotiating sexual relationships, and teaching the value of self-control or delay of gratification. The other central aspect of the virtue of prudence, the attitudinal part, may be roughly described as an ingrained aversion to imprudent sexual acts or sexual contacts or, perhaps more properly stated, as the general willingness to exercise one's capacity for making prudent judgements wherever required, and to choose and act according to one's own best prudent judgement.

But why, one may ask, does the state have the right to make this kind of sex education compulsory at all schools? How can the state justify this educational policy towards its citizens, in particular towards parents and communities that disagree with the liberal conception of morally permissible sex? A first and simple answer is that the state has the right to do that because the principle of sexual self-determination is nothing but a specification of the fundamental liberty of all adult citizens to arrange their lives according to their own beliefs and values. In the written constitutions of the Western European countries this basic right of self-determination is formulated in various ways. But however differently it may be formulated, its central function is precisely the same: it is designed to protect the freedom of all citizens to lead their lives from the inside, that is, in accordance with their own beliefs about what gives value to life or about which things are important or worth striving for. This fundamental liberty should be taken as a general right, in the sense that it covers or encompasses the different spheres of life – and one of these spheres is the sexual domain. Thus, if citizens have the general civic liberty to arrange their lives according to their own values and preferences, they also have the more specific liberty to arrange their *sexual* lives according to their own values and preferences. And this implies that if the state has the right to make the educational aim of respect for the general right of self-determination compulsory (as part of civic education), it *ipso facto* has the right to make the educational aim of respect for the right of *sexual* self-determination mandatory (as part of sex education).

This answer, however, seems to be an example of begging the question. For even if the sexual freedom right is nothing but a specification of the general right of self-determination, the question that still has to be answered is whether the state *has* the right to make the indicated kind of civic education part of the National Curriculum. Any worked-out answer to this complex question goes far beyond the scope of this paper. But as we elsewhere explained in greater detail (Steutel & Spiecker, 2004), our view is that such a state educational policy is

morally legitimate because it is in full conformity with the principle of so-called *justificatory neutrality*. Roughly put, this liberal principle of political legitimacy requires that the state should be able to justify its policy and legislation in terms of ‘neutral’ values or principles, that is, in terms of values or principles that are acceptable to reasonable citizens, whatever their comprehensive conceptions of the good life. As Rawls (1999) has rightly pointed out, it is difficult to imagine that reasonable citizens of modern pluralist societies would not endorse the basic liberal values of freedom and equality. To put it more strongly, given the fact that in a pluralist society any justification of state policy in terms of some comprehensive conception of the good will not be acceptable to some group of reasonable citizens, they cannot but accept the equal freedom of all citizens to arrange their lives according to their own beliefs and values.

### **A conception of morally desirable sex**

A second type of moral conceptions of sexuality that we want to discuss may be called conceptions of morally *desirable* sex (cf. Wertheimer, 2003, pp. 5-7; 2006, p. 184). Characteristic of such a conception is that it specifies the conditions under which sexual acts or sexual contacts are morally desirable (worthy, approvable) or morally undesirable (unworthy, deplorable). What are the differences between this type and the type discussed above?

First, a conception of morally permissible sex uses *deontic* predicates (e.g. ‘permissible’ and ‘impermissible’, ‘permitted’ and ‘prohibited’, ‘ought’ and ‘must’), whereas a conception of morally desirable sex uses *aretaic* predicates (e.g. ‘desirable’ and ‘undesirable’, ‘good’ and ‘bad’, ‘virtuous’ and ‘vicious’). Unlike deontic predicates, aretaic predicates denote so-called scalar qualities and therefore have comparatives and superlatives. For example, to be good or admirable is to possess a scalar quality, since we can speak of better and best, or more and most admirable. But it would be rather strange to speak of righter and rightest, or to say that X is more permissible than Y or that Z is most permissible. Moreover, deontic terms are only, or at least primarily, applicable to actions or kinds of actions, while aretaic predicates are also used to evaluate intentions, motives, emotions, attitudes, traits and persons. For example, it makes sense to speak of a desirable motive, a bad trait or a vicious person, but speaking of a permissible or impermissible attitude, or an admissible or prohibited trait of character, is quite unnatural if not linguistically incorrect.

Second, actions that are morally desirable are a sub-class of morally permissible actions, while actions that are morally impermissible are a sub-class of morally undesirable actions. If we consider a particular action morally worthy, we will also regard it as morally acceptable, and if we deem some action morally unacceptable, we will also see it as morally unworthy. But it definitely is not true that all forms of behaviour that we consider morally permissible are, in our view, also morally worthy. Neither is it true that forms of behaviour that we regard as morally undesirable are, in our judgement, also always morally impermissible. Suppose that we, as adherents of the liberal conception of morally permissible sex, consider a sexual contact to be morally acceptable because the parties involved have given their valid consent (and nothing wrong is done to third-parties). That does not necessarily imply that we also regard that sexual contact as morally unobjectionable. On the contrary, we may, on the basis of our conception of morally desirable sex, consider it to be morally deplorable, because, for example, the sex is degrading or humiliating, shameless or morbid, self-seeking or exploitive. To put it differently, we may whole-heartedly acknowledge that each adult person should be accorded the sexual right of self-determination and at the same time admit that this freedom right is not always exercised in a morally desirable or approvable way or, more strongly, is often exercised in a way that is morally undesirable or unworthy.

Interestingly enough, the moral educational aims that are stressed in the D/EE-guidance go far beyond the inculcation of the value of respect for others. Pupils should also learn the

value of love and care, as well as the value of strong and mutually supportive relationships (including marriage). It remains unclear, however, whether these values, if applied to sexual contacts, are to be taken as central aspects of a conception of morally *permissible* sex or should be considered core elements of a conception of morally *desirable* sex. If we should read the DfEE-guidance according to the former option, the kind of sex education that is recommended is based on a so-called consent-*plus* conception of morally permissible sex. The valid consent of all the parties involved is taken as necessary but *not* as sufficient to render sexual relations morally acceptable (bracketing effects on third-parties). What is also required for making the sex morally admissible is mutual care or love of the participants and also that the sex takes place within a strong and stable relationship. Obviously such a conception of morally permissible sex is incompatible with the liberal conception. Forms of sexual contacts that may be acceptable from the perspective of the liberal view, such as sex without reciprocal care and casual sex, are deemed to be morally unacceptable. However, if the DfEE-guidance should be read according to the latter option, that is, as presenting a conception of morally desirable sex, it is perfectly compatible with the liberal conception of morally permissible sex. For one may coherently defend the view that sex without love or care between validly consenting adults is morally acceptable but nonetheless unworthy, or that casual sex, although morally permissible, is morally inferior to sex in a stable and mutually supportive relationship.

In our view, the state does not have the right to make a kind of sex education compulsory that is based on a consent-plus conception of morally permissible sex. It is hard to see how such a state educational policy could meet the principle of justificatory neutrality. As indicated above, reasonable citizens will support the principle of sexual self-determination, as they will be aware of the fact that they have different and often incompatible conceptions of the good life, including the sexual and relational sphere. This principle requires that the sexual partners respect one another, but not that they love or care for each other, nor that they are involved in a stable and mutually supportive relationship, even though it may be admitted that such benevolent attitudes and relationships tend to sustain mutual respect. But how do we have to think about compulsory sex education that is based on a conception of morally desirable sex? The fact that the state does not have the right to make the teaching of some consent-plus conception of morally permissible sex compulsory, does not seem to exclude the possibility that the state has the right to enforce the teaching of some consent-plus conception of morally worthy sex. But what conception, if any, could that be? This question will be discussed in the next section, after we have introduced a third type of moral conceptions of sexuality.

### **Conceptions of ideal sex**

Conceptions of morally *ideal* sex are the final type of moral conceptions of sexuality that we want to address. Typical of such a conception is that the conditions are pointed out that have to be fulfilled for making sexual contacts or sexual relations morally excellent or morally perfect. Because sexual contacts can be morally desirable (and therefore also morally permissible) but not morally ideal, sexual contacts that are morally ideal are a sub-class of morally desirable (and therefore also of morally permissible) sex. And because not all forms of morally non-ideal sex are morally undesirable (let alone morally impermissible), sexual contacts that are morally undesirable (and therefore also those that are morally impermissible) constitute a sub-class of morally non-ideal sex.

Contrary to his own intentions, Roger Scruton's (1986) phenomenology of human sexuality may be taken as an example of a conception of morally ideal sex (cf. Primoratz, 1999, pp. 30-31, 170). According to this view, morally ideal sex is the expression of mutual sexual desire that is directed at another's body as the embodiment of the particular person in his or

her individuality and therefore tends to evolve into intimacy and the lasting commitment of love and marriage. A different example is the sexual ideal of optimal mutual care. If engaged in sexual contacts, persons who pursue this moral ideal will try, as best they can, to be sensitive and responsive to the other's needs, feelings and desires. Instead of focussing on their own enjoyment only, they will try to make sure that the other party benefits from the sex in terms of his or her own preferences and values.

Obviously conceptions of morally ideal sex (or moral sexual ideals) have to be distinguished from conceptions of *non*-morally ideal sex (or non-moral sexual ideals) (De Ruyter & Spiecker, 2008). Typical of the former type of sexual ideals is that they are justifiable, or at least partly justifiable, in terms of other-regarding reasons, whereas the latter type pertains to forms of sexuality that are considered perfect for self-regarding reasons only. A major subclass of conceptions of non-morally ideal sex may be called *hedonistic* ideals, as they refer to forms of sex that are expected to be highly exciting, most pleasurable or fully gratifying. It goes without saying that hedonistic sexual ideals may be very different from person to person. And pursuing them will not always lead to sexual contacts that are morally acceptable, let alone morally ideal.

Should ideals of sexuality be addressed in compulsory sex education and if so, how should they be dealt with? To begin with, we believe that paying attention to particular non-sexual ideals is an important element of fostering the virtue of prudence in matters of sexuality. In western capitalist societies youngsters and adults alike are bombarded in adverts and magazines by more or less concealed hedonistic sexual ideals. On popular music channels of MTV and TMF girls often feature in video clips barely dressed, acting in a highly sexualised manner and soap series tend to give the impression that adultery and frequent change of sexual partners is the ideal way to move through one's life, at least for the rich. Teachers should make pupils aware of the biases and possible dangers of the non-moral sexual ideals conveyed in adverts and the media. Moreover, youngsters should be encouraged to ask for themselves whether or not those ideals reflect their own authentic preferences and to resist the pressures to live up to hedonistic ideals that fly in the face of their own feelings and desires. Schools may be the only sites in which pupils learn about sexual ideals that may be good for the consumer industry but not for their own well-being.

Second, the sexual ideals presented by the media may be a perfect starting point for discussing the *moral* quality of various kinds of sexual contacts. Assuming that those hedonistic ideals pertain to forms of sexual contacts that are morally permissible, pupils could be stimulated to consider whether or not these forms of sex are morally undesirable or to what extent they fail to meet proper standards of moral excellence. For example, is the way in which women are portrayed degrading or humiliating and should the sex therefore be considered morally unworthy? Could sexual contacts that are dominated by boys or men ever be consistent with a proper conception of morally ideal sex? By raising these and similar questions teachers will stimulate their pupils to articulate and discuss conceptions of morally desirable and morally ideal sex.

But the hard question is whether or not compulsory sex education should be based on a certain conception of morally desirable sex or a particular moral sexual ideal. Are they to be addressed by teachers as neutral as possible or should one of these conceptions be promoted or some of them be presented as worth pursuing? The jury is still out on this complex question. Instead of pretending to know the answer, we will conclude our paper by presenting one important argument against such a type of compulsory sex education and two arguments that seem to support it.

On the one hand it should be repeated that reasonable citizens have different and often incompatible conceptions of the good life. And these conceptions likely include not only various views of non-morally good or ideal sex but also incompatible views of morally desir-

able or morally ideal sex. How then could state educational policy that is based on one of these moral conceptions of sexuality ever be legitimate? Reasonable citizens may rightly object to the state's endeavour to teach their children a moral sexual view they disagree with.

On the other hand it is reasonable to assume that some form of care will be regarded as a virtue or value by all reasonable citizens, whatever their conception of the good life. Accordingly, compulsory *moral* education that stresses the value of care and cultivates a caring attitude may meet the principle of justificatory neutrality. And if this is acknowledged, it would be rather strange to deny that the state also has the right to take the value of care as a basis of compulsory *sex* education. Moreover, conceptions of morally desirable or ideal sex may be rather abstract, vague and multi-faceted, and therefore can be interpreted in rather different ways, according to various and even incompatible much more specific sexual ideals. Take, for example, the moral value or ideal of care. Persons who strive for a long-term relationship with another person will also aspire to have virtues like being loyal and being committed to the flourishing of the relationship, and these will influence their idea of what it means to be a caring person. But also persons who believe that they thrive with short-term commitments may aspire to be caring towards the other, although this will be a rather limited kind of care, as it cannot be based on profound knowledge of the wishes and needs of the other person, let alone of the person's long-term interests. Reasonable citizens may rightly object to the state's promotion of rather concrete conceptions of morally desirable or ideal sex, but the more abstract and open those conceptions are, the less reluctant they will be in granting the state the right to oblige schools to promote them.

## References

- Archard, D. (2000) *Sex Education* (Impact No. 7, Published by the Philosophy of Education Society of Great Britain).
- Department of Education and Employment (2000) *Sex and Relationship Guidance* (Nottingham, DfEE Publications).
- De Ruyter, D.J. & Spiecker, B. (2008) Sex Education and Ideals. *Sex Education*, 8(2), pp. 201-210.
- Primoratz, I. (1999) *Ethics and Sex* (London and New York, Routledge).
- Rawls, J. (1999) The Idea of Public Reason Revisited, in: J. Rawls, *The Law of Peoples* (Cambridge, Mass. and London, Harvard University Press).
- Scruton, R. (1986) *Sexual Desire: A Philosophical Investigation* (London, Phoenix Press).
- Steutel, J. & Spiecker, B. (2004) What Kind of Sex Education May Be Enforced by the State? A Critical Evaluation of David Archard's View (Paper presented at the London Institute of Education, June 16, 2004).
- Wertheimer, A. (2003) *Consent to Sexual Relations* (Cambridge, Cambridge University Press).
- Wertheimer, A. (2006) Consent, in: A. Soble (ed.) *Sex from Plato to Paglia: A Philosophical Encyclopedia, Vol.1* (Westport, CT., Greenwood Press).