

## Is Adultery Immoral? by Richard Wasserstrom

[Note: This is an edited version of the original; I have added paragraph numbers and taken some stuff out.]

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1. ... I am interested in pursuing at least two questions [in this paper]. First, I want to explore the question of in what respects adulterous behavior falls within the domain of morality at all: For this surely is one of the puzzles one encounters when considering the topic of sexual morality. It is often hard to see on what grounds much of the behavior is deemed to be either moral or immoral, for example, private homosexual behavior between consenting adults. I have purposely selected adultery because it seems a more plausible candidate for moral assessment than many other kinds of sexual behavior.
2. The second question I want to examine is that of what is to be said about adultery, without being especially concerned to stay within the area of morality. I shall endeavor, in other words, to identify and to assess a number of major arguments that might be advanced against adultery. I believe that they are the chief arguments that would be given in support of the view that adultery is immoral, but I think they are worth considering even if some of them turn out to be nonmoral arguments and considerations.
3. A number of the issues involved seem to me to be complicated and difficult. In a number of places I have at best indicated where further philosophical exploration is required without having successfully conducted the exploration myself. The paper may very well be more useful as an illustration of how one might begin to think about the subject of sexual morality than as an elucidation of important truths about the topic.
4. Before I turn to the arguments themselves there are two preliminary points that require some clarification. Throughout the paper I shall refer to the immorality of such things as breaking a promise, deceiving someone, etc. In a very rough way, I mean by this that there is something morally wrong that is done in doing the action in question. I mean that the action is, in a strong sense of "*prima facie*," *prima facie* wrong or unjustified. I do not mean that it may never be right or justifiable to do the action; just that the fact that it is an action of this description always does count against the rightness of the action. I leave entirely open the question of what it is that makes actions of this kind immoral in this sense of "immoral."
5. The second preliminary point concerns what is meant or implied by the concept of adultery. I mean by "adultery" any case of extramarital sex, and I want to explore the arguments for and against extramarital sex, undertaken in a variety of morally relevant situations. Someone might claim that the concept of adultery is conceptually connected with the concept of immorality, and that to characterize behavior as adulterous is already to characterize it as immoral or unjustified in the sense described above. There may be something to this. Hence the importance of making it clear that I want to talk about extramarital sexual relations. If they are always immoral, this is something that must be shown by argument. If the concept of adultery does in some sense entail or imply immorality, I want to ask whether that connection is a rationally based one. If not all cases of extramarital sex are immoral (again, in the sense described above), then the concept of adultery should either be weakened accordingly or restricted to those classes of extramarital sex for which the predication of immorality is warranted.
6. One argument for the immorality of adultery might go something like this: what makes adultery immoral is that it involves the breaking of a promise, and what makes adultery seriously wrong is that it involves the breaking of an important promise. For, so the argument might continue, one of the things the two parties promise each other when they get married is that they will abstain from sexual relationships with third persons. Because of this promise both spouses quite reasonably entertain the expectation that the other will behave in conformity with it. Hence, when one of the parties has sexual intercourse with a third person he or she breaks that promise about sexual relationships which was made when the marriage was entered into, and defeats the reasonable expectations of exclusivity entertained by the spouse.

7. In many cases the immorality involved in breaching the promise relating to extramarital sex may be a good deal more serious than that involved in the breach of other promises. This is so because adherence to this promise may be of much greater importance to the parties than is adherence to many of the other promises given or received by them in their lifetime. The breaking of this promise may be much more hurtful and painful than is typically the case.

8. Why is this so? To begin with, it may have been difficult for the nonadulterous spouse to have kept the promise. Hence that spouse may feel the unfairness of having restrained himself or herself in the absence of reciprocal restraint having been exercised by the adulterous spouse. In addition, the spouse may perceive the breaking of the promise as an indication of a kind of indifference on the part of the adulterous spouse. If you really cared about me and my feelings-the spouse might say-you would not have done this to me. And third, and related to the above, the spouse may see the act of sexual intercourse with another as a sign of affection for the other person and as an additional rejection of the nonadulterous spouse as the one who is loved by the adulterous spouse. It is not just that the adulterous spouse does not take the feelings of the spouse sufficiently into account, the adulterous spouse also indicates through the act of adultery affection for someone other than the spouse. I will return to these points later. For the present, it is sufficient to note that a set of arguments can be developed in support of the proposition that certain kinds of adultery are wrong just because they involve that breach of a serious promise which, among other things, leads to the intentional infliction of substantial pain by one spouse upon the other.

9. Another argument for the immorality of adultery focuses not on the existence of a promise of sexual exclusivity but on the connection between adultery and deception. According to this argument, adultery involves deception. And because deception is wrong, so is adultery.

10. Although it is certainly not obviously so, I shall simply assume in this paper that deception is always immoral. Thus the crucial issue for my purposes is the asserted connection between extramarital sex and deception. Is it plausible to maintain, as this argument does, that adultery always does involve deception and is on that basis to be condemned?

11. The most obvious person on whom deceptions might be practiced is the nonparticipating spouse; and the most obvious thing about which the nonparticipating spouse can be deceived is the existence of the adulterous act. One clear case of deception is that of lying. Instead of saying that the afternoon was spent in bed with A, the adulterous spouse asserts that it was spent in the library with B, or on the golf course with C.

12. There can also be deception even when no lies are told. Suppose, for instance, that a person has sexual intercourse with someone other than his or her spouse and just does not tell the spouse about it. Is that deception? It may not be a case of lying if, for example, the spouse is never asked by the other about the situation. Still, we might say, it is surely deceptive because of the promises that were exchanged at marriage. As we saw earlier, these promises provide a foundation for the reasonable belief that neither spouse will engage in sexual relationships with any other persons. Hence the failure to bring the fact of extramarital sex to the attention of the other spouse deceives that spouse about the present state of the marital relationship.

13. Adultery, in other words, can involve both active and passive deception. An adulterous spouse may just keep silent or, as is often the fact, the spouse may engage in an increasingly complex way of life devoted to the concealment of the facts from the nonparticipating spouse. Lies, half-truths, clandestine meetings, and the like may become a central feature of the adulterous spouse's existence. These are things that can and do happen, and when they do they make the case against adultery an easy one. Still neither active nor passive deception is inevitably a feature of an extramarital relationship.

14. It is possible, though, that a more subtle but pervasive kind of deceptiveness is a feature of adultery. It comes about because of the connection in our culture between sexual intimacy and certain feelings of love and affection. ... [It might be claimed] that the importance of a correlation between sexual intimacy and

feelings of love and affection was taught by [our] culture and assimilated by those growing up in the culture. The scale of possible positive feelings toward persons of the other sex ran from casual liking at the one end to the love that was deemed essential to and characteristic of marriage at the other. The scale of possible sexual behavior ran from brief, passionless kissing or hand-holding at the one end to sexual intercourse at the other. And the correlation between the two scales was quite precise. As a result, any act of sexual intimacy carried substantial meaning with it, and no act of sexual intimacy was simply a pleasurable set of bodily sensations. Many such acts were, of course, more pleasurable to the participants because they were a way of saying what the participants' feelings were. And sometimes they were less pleasurable for the same reason. The point is, however, that in any event sexual activity was much more than mere bodily enjoyment. It was not like eating a good meal, listening to good music, lying in the sun, or getting a pleasant back rub. It was behavior that meant a great deal concerning one's feelings for persons of the opposite sex in whom one was most interested and with whom one was most involved. It was among the most authoritative ways in which one could communicate to another the nature and degree of one's affection.

15. If this sketch is even roughly right, then several things become somewhat clearer. To begin with, a possible rationale for many of the rules of conventional sexual morality can be developed. If, for example, sexual intercourse is associated with the kind of affection and commitment to another that is regarded as characteristic of the marriage relationship, then it is natural that sexual intercourse should be thought properly to take place between persons who are married to each other. And if it is thought that this kind of affection and commitment is only to be found within the marriage relationship, then it is not surprising that sexual intercourse should only be thought to be proper within marriage.

16. More to the point, moreover, an additional rationale for the prohibition on extramarital sex can now be developed. For given this way of viewing the sexual world, extramarital sex will almost always involve deception of a deeper sort. If the adulterous spouse does not in fact have the appropriate feelings of affection for the extramarital partner, then the adulterous spouse is deceiving that person about the presence of such feelings. If, on the other hand, the adulterous spouse does have the corresponding feelings for the extramarital partner but not toward the nonparticipating spouse, the adulterous spouse is very probably deceiving the non-participating spouse about the presence of such feelings toward that spouse. Indeed, it might be argued, whenever there is no longer love between the two persons who are married to each other, there is deception just because being married implies both to the participants and to the world that such a bond exists. Deception is inevitable, the argument might conclude, because the feelings of affection that ought to accompany any act of sexual intercourse can only be held toward one other person at any given time in one's life. And if this is so, then the adulterous spouse always deceives either the partner in adultery or the nonparticipating spouse about the existence of such feelings. Thus extramarital sex involves deception of this sort and is for this reason immoral even if no deception vis-a-vis the occurrence of the act of adultery takes place.

17. What might be said in response to the foregoing arguments? The first thing that might be said is that the account of the connection between sexual intimacy and feelings of affection is inaccurate. Not inaccurate in the sense that no one thinks of things that way, but in the sense that there is substantially more divergence of opinion than that account suggests. For example, the view I have delineated may describe reasonably accurately the concept of the sexual world in which I grew up, but it does not capture the sexual weltanschauung of today's youth at all. Thus, whether or not adultery implies deception in respect to feelings depends very much on the persons who are involved and the way they look at the "meaning" of sexual intimacy.

18. Second, the argument leaves to be answered the question of whether it is desirable for sexual intimacy to carry the sorts of messages described above. For those persons for whom sex does have these implications, there are special feelings and sensibilities that must be taken into account. But it is another question entirely whether any valuable end-moral or otherwise-is served by investing sexual behavior with such significance. That is something that must be shown and not just assumed. It might, for instance, be the case that substantially more good than harm would come from a kind of demystification of sexual behavior:

one that would encourage the enjoyment of sex more for its own sake and one that would reject the centrality both of the association of sex with love and of love with only one other person.

19. I regard these as two of the more difficult, unresolved issues that our culture faces today in respect to thinking sensibly about the attitudes toward sex and love that we should try to develop in ourselves and in our children. Much of the contemporary literature that advocates sexual liberation of one sort or another embraces one or the other of two different views about the relationship between sex and love.

20. One view holds that sex should be separated from love and affection. To be sure sex is probably better when the partners genuinely like and enjoy each other. But sex is basically an intensive, exciting sensuous activity that can be enjoyed in a variety of suitable settings with a variety of suitable partners. The situation in respect to sexual pleasure is not different from that of the person who knows and appreciates fine food and who can have a very satisfying meal in any number of good restaurants with any number of congenial companions. One question that must be settled here is whether sex can be so demystified: another, more important question is whether it would be desirable to do so. What would we gain and what might we lose if we all lived in a world in which an act of sexual intercourse was no more or less significant or enjoyable than having a delicious meal in a nice setting with a good friend? The answer to this question lies beyond the scope of this paper.

21. The second view seeks to drive the wedge in a different place. It is not the link between sex and love that needs to be broken; rather, on this view, it is the connection between love and exclusivity that ought to be severed. For a number of the reasons already given, it is desirable, so this argument goes, that sexual intimacy continue to be reserved to and shared with only those for whom one has very great affection. The mistake lies in thinking that any "normal" adult will only have those feelings toward one other adult during his or her lifetime—or even at any time in his or her life. It is the concept of adult love, not ideas about sex, that, on this view, needs demystification. What are thought to be both unrealistic and unfortunate are the notions of exclusivity and possessiveness that attach to the dominant conception of love between adults in our and other cultures. Parents of four, five, six, or even ten children can certainly claim and sometimes claim correctly that they love all of their children, that they love them all equally, and that it is simply untrue to their feelings to insist that the numbers involved diminish either the quantity or the quality of their love. If this is an idea that is readily understandable in the case of parents and children, there is no necessary reason why it is an impossible or undesirable ideal in the case of adults. To be sure, there is probably a limit to the number of intimate "primary" relationships that any person can maintain at any given time without the quality of the relationship being affected. But one adult ought surely be able to love two, three, or even six other adults at any time without that love being different in kind or degree from that of the traditional, monogamous, lifetime marriage. And as between the individuals in these relationships, whether within a marriage or without, sexual intimacy is fitting and good.

22. The issues raised by a position such as this one are also surely worth exploring in detail and with care. Is there something to be called "sexual love" which is different from parental love or the nonsexual love of close friends? Is there something about love in general that links it naturally and appropriately with feelings of exclusivity and possession? Or is there something about sexual love, whatever that may be, that makes these feelings especially fitting here? Once again the issues are conceptual, empirical, and normative all at once: What is love? How could it be different? Would it be a good thing or a bad thing if it were different?

23. Suppose, though, that having delineated these problems we were now to pass them by. Suppose, moreover, we were to be persuaded to the possibility and the desirability of weakening substantially either the links between sex and love or the links between sexual love and exclusivity. Would it not then be the case that adultery could be free from all of the morally objectionable features described so far? To be more specific, let us imagine that a husband and wife have what is today sometimes characterized as an "open marriage." Suppose, that is, that they have agreed in advance that extramarital sex is—under certain circumstances—acceptable behavior for each to engage in. Suppose, that as a result there is no impulse to deceive each other about the occurrence or nature of any such relationships, and that no deception in fact occurs. Suppose, too, that there is no deception in respect to the feelings involved between the adulterous spouse and the extramarital partner. And suppose, finally, that one or the other or both of the spouses then

have sexual intercourse in circumstances consistent with these understandings. Under this description, so the argument might conclude, adultery is simply not immoral. At a minimum, adultery cannot very plausibly be condemned either on the ground that it involves deception or on the ground that it requires the breaking of a promise.

24. At least two responses are worth considering. One calls attention to the connection between marriage and adultery; the other looks to more instrumental arguments for the immorality of adultery. Both issues deserve further exploration.

25. One way to deal with the case of the "open marriage" is to question whether the two persons involved are still properly to be described as being married to each other. Part of the meaning of what it is for two persons to be married to each other, so this argument would go, is to have committed oneself to have sexual relationships only with one's spouse. Of course, it would be added, we know that that commitment is not always honored. We know that persons who are married to each other often do commit adultery. But there is a difference between being willing to make a commitment to marital fidelity, even though one may fail to honor that commitment, and not making the commitment at all. Whatever the relationship may be between the two individuals in the case described above, the absence of any commitment to sexual exclusivity requires the conclusion that their relationship is not a marital one. For a commitment to sexual exclusivity is a necessary although not a sufficient condition for the existence of a marriage...

26. Counterexamples not satisfying the condition relating to the abstention from extramarital sex are ... easily produced. We certainly know of societies and cultures in which polygamy and polyandry are practiced, and we have no difficulty in recognizing these relationships as cases of marriages. ... we also know of societies in which it is permissible for married persons to have sexual relationships with persons to whom they were not married; for example, temple prostitutes, concubines, and homosexual lovers...

27. The remaining argument that I wish to consider-as I indicated earlier-is a more instrumental one. It seeks to justify the prohibition by virtue of the role that it plays in the development and maintenance of nuclear families. ... It is obvious that one of the more powerful human desires is the desire for sexual gratification. The desire is a natural one, like hunger and thirst, in the sense that it need not be learned in order to be present within us and operative upon us. ... If one consequence of being married is that one is prohibited from having sexual intercourse with anyone but one's spouse, then the spouses in a marriage are in a position to provide an important source of pleasure for each other that is unavailable to them elsewhere in the society... [According to this argument] adultery is wrong, in other words, because a prohibition on extramarital sex is a way to help maintain the institutions of marriage and the nuclear family.

28. ...[This] argument ... is at best seriously incomplete. Before we ought to be convinced by it, we ought to have reasons for believing that marriage is a morally desirable and just social institution. And this is not quite as easy or obvious a task as it may seem to be. ... There may be a number of distinguishable sexual and loving arrangements which can all legitimately claim to be called marriages. The prohibitions of the traditional sexual morality may be effective ways to maintain some marriages and ineffective ways to promote and preserve others. The prohibitions of the traditional sexual morality may make good psychological sense if certain psychological theories are true, and they may be purveyors of immense psychological mischief if other psychological theories are true. The prohibitions of the traditional sexual morality may seem obviously correct if sexual intimacy carries the meaning that the dominant culture has often ascribed to it, and they may seem equally bizarre when sex is viewed through the perspective of the counterculture. Irrespective of whether instrumental arguments of this sort are properly deemed moral arguments, they ought not to fully convince anyone until questions like these are answered.