CHAPTER 3

Sexual Disorientation Moral Implications of Gender Norms

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In what follows I will attempt to convince you that exclusively or predominantly participating in heterosexual relationships is *prima facie* morally impermissible. I maintain that this controversial thesis follows logically from three relatively uncontroversial premises: (1) gender norms are on-balance harmful; (2) conforming to harmful social norms is *prima facie* morally impermissible; and (3) exclusively or predominantly participating in heterosexual relationships is a way of conforming to gender norms. I conclude that, while in some cases the obligation not to exclusively participate in heterosexual relationships can be overridden, in most cases it cannot.

Premise 1: Gender Norms are Harmful Social Norms

Examples of the harmfulness of gender norms are abundant, and the claim that gender norms are harmful is not, I think, a controversial one. For this reason, I don't think it's worthwhile to spend much time attempting to convince those who are not yet convinced that gender norms are harmful. However, it might be worthwhile to make a few observations about the most likely objections to premise I. First, though one might think that talk of the harmfulness of gender norms is nonsense because, allegedly, gender norms are both 'natural' and inevitable, such an objection is based on a conflation of 'gender,' and 'gender norms.' While 'gender' refers to the dispositions and behaviors a person engages in on the basis of her sex, 'gender norms' are the informal, social (and sometimes legal) enforcement of gender itself. Gender norms and expectations are enforced through informal sanctions of

gender-inappropriate behavior by peers and by formal punishment or threat of punishment by those in authority should behavior deviate too far from socially imposed standards for males and females.¹

It is plain why, on the definition I have given, gender norms are harmful: very few people, if any, conform to the socially imposed standards for males and females at all times. When a person fails to conform to gender norms, at the very least she is made to feel self-conscious and less than fully human, and often she is the victim of physical abuse. Although gender norms are clearly harmful in a number of ways, perhaps, one might argue, gender norms are also beneficial in a way such that they redeem themselves. For example: gender norms enforce an efficient division of labor; gender norms promote diversity (or, a genderless society would be homogenous); gender norms create shared experiences and valuable social bonds; and gender norms facilitate eroticism. A few moments of reflection, however, reveal not only that these claims are clearly false and utterly implausible, but also good reasons to think that a genderless society would promote these goods much more effectively than a gendered one. I will not elaborate at this time.

Premise 2: Conforming to a Harmful Social Norm is *Prima Facie* Morally Impermissible

A social norm is a prescription for behavior enforced through informal sanctions of inappropriate behavior by peers and by formal punishment or threat of punishment by those in authority should behavior deviate too far from socially imposed standards. When one conforms to a social norm, one strengthens, entrenches, and/or lends credibility, legitimacy, or stability to that social norm. When one conforms to a harmful social norm, one strengthens the ability of that norm to harm oneself and others. Thus, when one conforms to a harmful social norm, one harms others. Ann Cudd astutely explains why conforming to a harmful social norm harms others.

The alternative to resistance is participation in the oppressive institution. But by participating in an oppressive institution, one lends some strength and stability to it, perhaps even legitimates it to some degree. [...]. Institutions are [...] coordinated actions of individual people. Part of what makes institutions so effective at coordinating is they embody the common knowledge of what people will do in certain types of situations, and this in turn narrows down the range of choices of actions one is to perform to a manageable number. This common knowledge becomes stronger and more stable the

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Lorber, J., Paradoxes of Gender, New Haven, Yale University Press, 1994, p.32.

² Cudd, A., "Strikes, House Social Philosophy, Spring

more times that the expected actions are performed. So if an oppressive institution requiring the actions of the oppressed to be of a certain sort (e.g., female housecleaning, male shirking) is effective in so coordinating actions in a given case, then it becomes an even greater expectation on the part of others that they will perform the required actions as well. One has only two options in such cases: resist or strengthen the unjust institution. Thus [...] not resisting harms others.²

In other words, each time a person conforms to a pervasive social norm, one affirms that social norm. The more times that social norm is affirmed, the more stable and credible it becomes, and the more difficult it becomes for others to resist that social norm. Indeed, premise 2 might be interpreted in the following way: an action that harms others is morally impermissible if no other considerations (such as that the action yields benefits that outweigh the harm) justify that harm.

If what I have said so far is correct, then one may conclude that conforming to gender norms is *prima facie* morally impermissible. Under what circumstances, then, might conforming to gender norms not be morally impermissible? In what follows I will consider two possible exceptions.

1. At first glance, the claim that conforming to harmful social norms is not morally impermissible when one is being coerced seems plausible. It is important to understand, however, what sorts of coercion could justify actions that are otherwise morally impermissible. In each case, the moral permissibility of conforming to harmful social norms turns on the seriousness of the harm threatened by the coercion; when the seriousness of the harm threatened by coercion is great, then it is less likely that conforming to a harmful social norm would be morally impermissible. The threat of minor physical harm would not, for example, justify acting in accordance with gender norms. The best way to judge whether or not a particular instance of coercion justifies acting in accordance with gender norms is to weigh the benefits and harms that result from resistance and non-resistance. On one side, the type of punishment for resistance can vary in each case, from very slight to very serious, including severe bodily harm and death. On the other side, one must consider two factors. First, obviously, one must consider the benefits of resistance. The erosion of gender norms is a very great benefit indeed. Further, in cases where the punishment threatened is severe, a person's resistance is even more symbolic and effective. The second factor a person must consider is the alternative to resistance. Generally, in situations and societies where threats of punishment are great, the alternative

Cudd, A., "Strikes, Housework, and the Moral Obligation to Resist," in *Journal of Social Philosophy*, Spring 1998, p.31-2.

to resistance is not particularly appealing. A female who does not resist in a particularly deeply gendered society in hope of avoiding brutal punishment may find herself a victim of brutal punishment (physical abuse, unanaesthetized genital surgery, heavy physical labor) whether she resists or not. In such a case, it seems, there is no good reason not to resist. Even in a less deeply gendered society where punishments for resistance are mild (social exclusion, people staring), the alternative to resistance is not appealing (leading an unfulfilling, inauthentic life in which one constantly suppresses one's true inclinations). Individual acts of resistance have benefits unrelated to their effect on the stability of the social norm. Resistance enhances a person's ability to live as she wishes, and 'living as one wishes' tends to have good consequences for a person's wellbeing. Though in such a case the gender-conformity and gender-resistance benefits compete against each other, gender-resistance benefits will almost always outweigh gender-conformity benefits. No one seriously thinks that, except in cases where resistance leads to extreme physical violence or worse, a person is better off by living inauthentically, suppressing one's inclinations. Clearly, living as one would wish to live improves the quality of a person's life, and though living in this way may have certain costs (being socially excluded by certain people, for example), these costs seem acceptable since the harms of living inauthentically must be just as great as, if not greater than, these costs. For these reasons, one may correctly conclude that conforming to harmful social norms is not morally impermissible when resistance will lead to severe physical harm or death.

2. Perhaps one might contend that a person is only obligated to resist harmful social norms when her action will make a certain difference, or rather, that a person is not obligated to resist harmful social norms when her conformity does not uniquely or substantially affirm the social norm. This objection is particularly persuasive in the case of gender norms since they are perhaps the most insidious and pervasive of all social norms. I have three responses to this objection.

First, this objection fails to consider that there are individual benefits to resistance and individual harms to conformity that do not turn on how one's actions affects the strength of the social norm. In my discussion of the obligations of individuals under coercion I mentioned some of the harms of conformity and the benefits of resistance that an individual may experience – even if she does not substantially affect the strength of the social norm.

Second, this type of argument ("It makes no difference whether or not I do it") only shows that one is not obligated to resist if one of the following is true: (A) one person's action literally makes no difference; or (B) one person's action makes only a small difference and not con-

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Glover, J., "It Makes ! Applied Ethics, Oxford.

forming is harmful in other more substantial ways. In the case of gender norms, surely no one would maintain that (A) is true: one person's action does affect the stability of gender norms for better or worse, even if only in a very small way. So, in order for this objection to be conclusive, one must show that not conforming to gender norms is harmful in ways that outweigh the benefits of resistance. However, I have already shown that the benefits of conformity do not outweigh the benefits of resistance elsewhere in this essay, and in the next section I will consider two other arguments in favor of that view. So far, there are no good reasons for believing that conforming to gender norms yields benefits that outweigh the positive consequences of resisting.

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Finally, this type of reasoning ("It makes no difference whether or not I do it") is only correct when at least two conditions are satisfied: (1) others will not be influenced by your action; and (2) others will not reason in the same way. The decision of whether or not to vote in an election in which one candidate is significantly more popular than the other is a paradigm case for this type of reasoning.3 Suppose that you favor the candidate that is significantly more popular. Since, on the day of the election, voting would be inconvenient for you, and since your candidate seems to be assured of victory, you decide not to vote because, it seems, your vote will have no effect on the outcome of the election. However, if others who favor your candidate were likely to be influenced by your action, or, if others who favor your candidate were likely to reason in the same way, it would no longer be true that your vote would have no effect on the outcome of the election, or that your candidate was assured victory. In the case of gender norms, one has many reasons to think that others will be influenced by your action: not only does the stability of a social norm depend on the conformity of individuals, as Cudd explained, but (and particularly in the case of gender norms) the resistance of even one person can have an enormous effect of symbolic protest. Further, while in the case of voting it seems unlikely that so many people would reason in the way described that the outcome of the election would change, in the case of gender norms it seems quite likely that a significant number of people, not wanting to make the effort to change their lifestyles, might reason that, "It makes no difference whether or not I do it." For this reason, it is even more important in this case that no one act on this type of reasoning. Since it seems likely that others may reason in this way, this argument cannot provide an exception to the premise that conforming to harmful social norms is prima facie morally impermissible.

Glover, J., "It Makes No Difference Whether Or Not I Do It," in Singer, P. (ed.), Applied Ethics, Oxford, Oxford University Press, 1986, p.125.

So far I have argued that gender norms are on-balance harmful, and that conforming to harmful social norms is *prima facie* morally impermissible. If what I have argued is correct, then conforming to gender norms is *prima facie* morally impermissible.

Premise 3: Exclusively or Predominantly Participating in Heterosexual Relationships is a Way of Conforming to Gender Norms

I will now explain why it is true that exclusively or predominantly participating in heterosexual relationships is a way of conforming to gender norms. The explanation is merely, and quite simply, that one aspect of each sex's role is that people of that sex exclusively (or at least predominantly) choose as sexual partners others of the other major sex. Thus, one requirement of female gender norms is that a female exclusively (or at least predominantly) choose male sexual partners. Likewise, one requirement of male gender norms is that a male exclusively (or at least predominantly) choose female intimate partners. Ann Ferguson argues that the primary mechanism whereby complementary rather than androgynous sex roles are maintained is through heterosexual training. Partners of the other major sex are sought in order to complement one in the traits that one has repressed or not developed because in one's own sex such traits were not socially acceptable.4 Furthermore, because these requirements are part of each sex's role, when one chooses a partner of the other major sex one is conforming to gender norms.

Perhaps one might object that when a person participates in a heterosexual relationship, she is not conforming to gender norms, but, rather, is merely displaying her sexual preference for the physiology of the other major sex. When a female chooses a male sexual partner, this objection holds, she is not conforming to gender norms; she is merely expressing her arbitrary and harmless sexual preference for sexual partners who are male. For example, a person who holds this view might say: "Just because I behave in ways that strictly conform to gender roles does not mean that I think you should act that way too. I am merely expressing a personal preference; I am not expressing an endorsement." Choosing to act in ways consistent with gender roles is no more an endorsement of gender roles, on this view, than choosing chocolate over vanilla. When I buy chocolate ice cream, I am not suggesting that others should also buy chocolate ice cream (as opposed to vanilla ice cream); I am merely expressing a personal preference.

I have three response that mere conformity to that social norm. Whethexpress positive or enthuas Cudd argued, merely difficult and less likely finant of each sex's role is of the opposite sex. Ever sexual partners of the opence, she nonetheless contact that the sexual partners of the opence, she nonetheless contact that the sexual partners of the opence, she nonetheless contact that the sexual partners of the opence, she nonetheless contact the sexual partners of the opence, she nonetheless contact that the sexual partners of the opence that the opence that the sexual partners of the opence that the sexual partners of the opence that the opence that the sexual partners of

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Ferguson, A., "Androgyny as an Ideal for Human Development," in *Sexual Democracy: Women, Oppression, and Revolution*, Westview Press, 1991, p.204.

I have three responses to this objection. First, in premise 2, 1 argued that mere conformity to a social norm lends legitimacy and stability to that social norm. Whether or not the conforming person intends to express positive or enthusiastic attitudes by her conformity is irrelevant.

As Cudd argued, merely by conforming, a person makes resistance more difficult and less likely for others. And indeed, as I have already argued, part of each sex's role is the requirement that one choose sexual partners of the opposite sex. Even if a person does have a genuine preference for sexual partners of the opposite sex, when a person acts on such a preference, she nonetheless conforms to gender norms.

Second, there is a highly relevant disanalogy between choosing chocolate over vanilla and choosing gender role-consistent behavior over non-gender role-consistent behavior. The person who insists that her gendered actions merely express her personal preference to act in gendered ways, and do not endorse such behavior, has a naïve and overly simplistic view of the effect of her gendered actions. There is no social norm at all, let alone a deeply pervasive and insidious one, attached to choosing chocolate over vanilla. This disanalogy makes all the difference. Imagine that that there was a deeply entrenched social norm that strongly favored chocolate, and which viewed vanilla lovers as unnatural, abnormal, and perverted. Although this scenario is absurd, it is plain to see that under such circumstances, choosing chocolate over vanilla, even if chocolate would still be your preference in a non-vanillaphobic world, constitutes a subtle endorsement of chocolate.

For my third response, let me suggest an analogy that I think will demonstrate that exclusively or predominantly participating in heterosexual relationships does indeed express more than a person's sexual preference for partners of the other major sex. Any person who claims to exclusively prefer sexual partners of a certain race, that is, is repulsed by the thought of sex with people of other races, would surely be said to (1) have false and unjustified beliefs about people both of the preferred race and people of other races, and (2) be expressing and affirming these attitudes by her choices. No one would stop at saying that her choice is a merely arbitrary and harmless expression of her sexual preference for, say, white sexual partners. In the same way that choosing sexual partners on the basis of race affirms and expresses racially prejudiced beliefs, participating exclusively or predominantly in heterosexual relationships affirms and expresses sexually prejudiced beliefs (i.e., gender norms).

Alternatively, perhaps one might object, on other grounds, that the conclusion of my essay (that exclusively or predominantly participating in heterosexual relationships is *prima facie* morally impermissible) is a moral obligation that is impossible to fulfill, at least for many people.

Sexual preference is, on this view, immutable. Whether sexual preference is biologically or socially determined (or both), at least some individuals cannot change their sexual preference, according to this objection. Because sexual preference is immutable, and since 'ought' implies 'can,' my argument fails because some individuals simply cannot change their sexual preference.

Although one might initially think that in order to refute this objection I would need to demonstrate, using extensive empirical evidence, that people can voluntarily change their sexual preferences, this is actually not the case. My first response is merely to underscore that my argument is not that heterosexuals must cease all heterosexual activity, but rather, that individuals morally ought not exclusively or predominantly participate in heterosexual relationships. Furthermore, for the purposes of this essay 1 am agnostic as to whether sexual preference is socially or biologically determined, or whether or not sexual preference is mutable. In this essay I am only concerned with a person's actions, and not what preferences a person might have. Even if it is true that some people have immutable sexual preferences, they can still choose whether or not they act on those preferences. It is not true that some people could not fulfill the obligation set forth by this essay; no one's sexual preference is so strong that she involuntarily and uncontrollably enters into heterosexual relationships.

Perhaps one might further object that the conclusion of my essay requires an unacceptable restriction on individual sexual freedom that is as great if not greater than the restriction on freedom imposed by gender roles.

I have two responses to this objection that will clearly show that this objection is misguided. First, moral principles that hold that certain types of actions are impermissible do not restrict liberty. While a law that criminalized participating in heterosexual relationships would restrict liberty, the conclusion that exclusively or predominantly participating in heterosexual relationships is *prima facie* morally impermissible in no way restricts anyone's individual sexual freedom. This objection seems absurd in other contexts: if I were to argue that eating meat is morally impermissible (for whatever reason), no one would argue that in doing so I had restricted anyone's freedom to eat meat. Likewise, to say that I have restricted anyone's sexual liberty by arguing that exclusively or predominantly participating in heterosexual relationships is *prima facie* morally impermissible is clearly incorrect.

My second response is that, even if one does think that the conclusion of this essay restricts individual sexual liberty, we accept restrictions on liberty in all sorts of cases if the exercise of that liberty is harm-

ful to others. Just as no or that a rapist's autonomy prohibitions on rape, no or that a person's sexual autocertain harmful sexual pra Indeed, we commonly acc of sexual activities that a ceptance of those prohibit think the preference to pa mutable.)

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According to the first would find engaging in for them, the consequenc than the benefits of erodi ful to others. Just as no one would seriously countenance the argument that a rapist's autonomy is compromised by legal, social, and moral prohibitions on rape, no one should seriously countenance the argument that a person's sexual autonomy is compromised by the argument that certain harmful sexual practices are *prima facie* morally impermissible. Indeed, we commonly accept many legal prohibitions on certain types of sexual activities that are considered harmful (Furthermore, our acceptance of those prohibitions does not depend on whether or not we think the preference to participate in those sorts of sexual activities is mutable.)

A slightly different objection might hold that though my conclusion does not compromise anyone's freedom, it must be wrong because each person has a right to engage in consensual sexual activity. How can it be wrong to exclusively participate in heterosexual relationships if one "has a right to be heterosexual?"

This objection also fails because the very basis for thinking that people have a right to engage in consensual sexual activity is that, most of the time, we think that as long as we are not harming (or in any other way affecting) anyone else, we should be able to do whatever we want. However, what I am disputing in this essay is precisely that exclusively or predominantly participating in heterosexual relationships is not harmful even if it is consensual. Indeed, according to traditional liberal accounts, sex acts are only wrong when they are both non-consensual and (on-balance) harmful. The fact that a particular sex act is consensual does not, by itself, show that it is morally permissible. If one wishes to claim with any plausibility that a person has a right to engage in particular sex act, one must show both that all parties to the act have consented, and that the act is not on-balance harmful. A significant portion of my paper has been devoted to showing in the case of exclusively or predominantly participating in heterosexual relationships, the second condition is not fulfilled.

The following two objections are not objections to premise 3, but rather, objections to premise 2. However, I have chosen to discuss these objections following arguments for premise 3 because their relevance to my argument would have been less apparent had I discussed them in the context of premise 2. The following objections claim to show exceptions to the claim that it is *prima facie* morally impermissible to participate exclusively or predominantly in heterosexual relationships.

According to the first objection, some people (indeed, many people) would find engaging in homosexual acts so viscerally disgusting that, for them, the consequences of engaging in such acts would be far worse than the benefits of eroding gender norms. And since my thesis turns on

the degree to which gender norms are harmful, I must take into account all of the consequences of resisting gender norms (even if they depend on irrational and repugnant preferences). This objection does not claim to show that my thesis is false, but rather, that certain people would be legitimately excused from having to adhere to it.

I have three responses to this objection. Each of my responses is an attempt to mitigate the force of this objection; I do not think that any one of my responses by itself defeats this objection. First, there is no good reason for thinking that most of the attitudes of visceral disgust toward homosexuality do not stem from irrational, unjustifiable, and utterly false beliefs about homosexuality. (Of course, one might argue that distaste for participating in homosexual acts stems from some sort of biological programming to be heterosexual, but this would not explain attitudes of visceral disgust toward homosexuality; if it did, one would wonder why more homosexuals are not viscerally disgusted by the thought of engaging in heterosexual behavior.) To some extent, then, a person's attitudes of visceral disgust for homosexuality might be tempered by the recognition that his beliefs are irrational, unjustifiable, and utterly false. I do not want to underestimate the force of this response. The only explanation for the origin of the attitude that engaging in homosexual acts is disgusting is false and irrational beliefs about the morality of homosexuality. As such, when these beliefs have been truly discarded, the distaste for homosexuality will have been eliminated as well. Second, in many respects, the experiential quality of homosexual acts is no different from the experiential quality of heterosexual acts. Many of the acts performed by two people of different sexes having sex can be performed by two people of the same sex with no discernable difference in the experiential qualities of the acts. Third, a distaste for homosexual acts is completely arbitrary in the same way that a distaste for certain types of food is arbitrary; no one could give reasons to justify his distaste for engaging in homosexual acts in the same way that no one could give reasons to justify his distaste for broccoli. And though we might think it is absurd to say anyone who dislikes broccoli should be forced to eat it, this is only because no one is harmed by others not eating broccoli. As I have argued, people are harmed when others participate exclusively or predominantly in heterosexual relationships, or, in other words, when they fail to at least occasionally participate in homosexual relationships. However, surely no one would say that, if by eating broccoli for an hour every once in a while (supposing that you find broccoli disgusting) you could save someone's life, you should not eat broccoli. And so, this objection seems to depend on the view that by exclusively or predominantly participating in heterosexual relationships,

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According to the second objection, people in monogamous heterosexual relationships would be seriously harmed by having to occasionally participate in homosexual relationships as well. The harm from having to occasionally participate in homosexual relationships would be so great for these people that it would outweigh the benefits of eroding gender norms, on this view. For this reason, people in monogamous heterosexual relationships are legitimately exempted from the requirement to occasionally participate in homosexual relationships, on this view.

Certain conditions would have to be met in order for this reason to apply to anyone. First, since I am not suggesting that people would have to end their heterosexual relationships, but rather, that they would only have to occasionally participate in homosexual relationships as well, it must be the case that the partners occasionally participating in homosexual relationships would be ruinous for the relationship. One must bear in mind that what I am suggesting does not require adultery (at least in the way it is typically thought of) on the parts of the partners since, on my view, the partners should mutually agree to end their pledge of sexual exclusivity to each other; no deception or promisebreaking would be involved. Moreover, even if it is the case that it would ruinous for the relationship if the partners occasionally openly participated in homosexual relationships, it must also be the case that the monogamous nature of the relationship must be so valuable to each of the partners that it would be emotionally devastating to each of the partners if the relationship ceased to be monogamous in order for anyone to be exempted from my conclusion. Underscoring these conditions suggests this exception might actually only apply to a fairly small number of people. I am not bothered by the possibility that a considerable, yet nonetheless relatively small, number of people would be exempt from the requirement I have set forth; eroding harmful social norms does not require resistance on the part of all members of the community affected by the norm. Indeed, exempting those who would be most harmed by resisting might actually bring about the best consequences (especially since, if they are a small enough portion of the community, their resistance would not uniquely affect the stability of the norm anyway, as long as a significant portion of the community is already resisting). However, we should view with suspicion the claims of anyone who attempts to excuse her actions under this reasoning because, even if she is acting in good faith, she may tend to exaggerate the extent to which she would be harmed by having to occasionally participate in homosexual relationships. This is due to the facts that (1) since she is already in an exclusive heterosexual relationship and is already a beneficiary (at least as far as she thinks) of traditional gender norms, she may not see any benefit in acting so as to erode gender norms, and (2) she may simply underestimate the benefits of eroding gender norms because she cannot conceive of a genderless society, and because (at least she thinks) only future generations (and not she herself) would benefit from the erosion of gender norms, while at the same time overestimating the importance of the harm of the ruin of her relationship because she would certainly be directly affected by that. Having said this, I will concede that some, though perhaps not many, people who are currently in monogamous heterosexual relationships may be exempted from my conclusion.

Conclusion

These reasons suffice to show that one would be justified in thinking that most cases of exclusively or predominantly participating in heterosexual relationships will not, on balance, produce the best consequences, and are therefore, morally impermissible. I would like to underscore that though I will not be surprised to find that many people will find my argument absurd, that one finds my argument absurd is not reason to reject it. If one wishes to reject my conclusion, one must show, since the argument is valid, that at least one of the premises is false.

I would also like to underscore that I am sensitive to the possibility of there being some exceptions to my general argument. This is no surprise: the complexity of gender norms, and the way in which genderconsistent actions uphold gendered beliefs and attitudes should lead us to think that any account of the morality of our sexual choices must be highly nuanced. I would have been naïve and foolish to think that I could show that all cases of heterosexuality are morally impermissible. The significance of my argument is that I have shown, contrary to the what most assume, that the decision to participate in consensual sexual acts does have moral implications and that in many cases, participating in heterosexual relationships is harmful. And although I am not bothered by the suggestion that some cases of exclusively or predominantly participating in heterosexual relationships are not morally impermissible, I am not sympathetic to the claims of the heterosexual who, like, for example, a weak-willed, would-be-vegetarian meat eater (who recognizes the reasons not to eat meat but nonetheless does not give it up), refuses to resist gender norms simply to maximize her own pleasure at the expense of others.

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