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P A P E R S
towards a biblical mind

Free sex: Who pays?

Moral hazard and sexual ethics

by Guy Brandon

[C]hastity means passion, chastity means neurasthenia. And passion and neurasthenia mean instability. And instability means the end of civilization. You can't have a lasting civilization without plenty of pleasant vices.
Aldous Huxley¹

Civilisation is built up upon a renunciation of instinct. Sigmund Freud²

Summary

Rather than addressing fundamental moral issues around sexual freedom, this paper starts with our culture's premise by taking a utilitarian approach and exploring the financial impacts. This is in line with the common assumption that what truly matters for public policy can be quantified. It argues that significant costs of sexual freedom are imposed on society as a whole, rather than borne solely by the individuals most directly involved. This represents an enormous moral hazard and, as a result, unsustainable and unjust public expenditure. The paper then explores ways to address this, the most compelling of which is the Bible's emphasis on rootedness and group responsibility.

Introduction

The Bible's message of faithfulness, stability and clarity of relationship in its approach to sexual ethics is positive and life-affirming. Whilst this truth has too often been undermined by deficiencies of presentation and the Church's own record of both sexual licence and prejudice, our culture's standards have not adequately been critiqued either. This paper takes a pragmatic approach to unpacking some of the serious problems in our culture's assumptions about sexual freedom. Although the Bible does not determine the ethics of an action solely on the grounds of whether its outcomes are good or bad (consequentialism), acting against God's law does have harmful effects: it is a property of the world he has created that there are *a posteriori* consequences as well as *a priori* judgement.

A brief survey of some of its best-known stories gives the lie to the idea that the Old Testament era was a golden age of traditional family values and sexual restraint. Abraham had a child by his wife's maidservant when he assumed God would not honour his promise to give him a son by Sarah; David had several men killed to cover up his adultery with Uriah's wife; Samson, Amnon and Solomon are just a few other examples. Similarly, we should be careful not to look back to a time before the Sexual Revolution with rose-tinted glasses. Nonetheless, recent decades have seen an undeniable change in attitudes and behaviour, with measurable and serious consequences for society as a whole – notably financial ones, from this paper's point of view.³

Moral hazard

The idea of moral hazard is a useful framework within which to unpack sexual freedom. Moral hazard 'arises when a contract or financial arrangement creates incentives for the parties involved to behave against the interest of others'⁴ – typically because one party is insulated from risk. One recent and notorious example is the banks deemed 'too big to fail'. Knowing that they would be bailed out by the taxpayer meant that bankers could take excessive risks without having to worry about their potential effects on shareholders or on the financial system. A more everyday example is that insuring your car can weaken the incentive to drive carefully, since you will not have to pay for most of the damage in the event of an accident.

This paper intends to demonstrate that our culture's sexual freedom comes with massive costs attached relative to GDP, accounting for a significant proportion of public spending. These costs are met by society collectively rather than by the individuals most directly involved in causing them. This represents a moral hazard which threatens both our economy and our society.

volume 20

number 4

december 2011

ISSN 1361-7710

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Registered Charity No. 288783

1 *Brave New World*, 1932.

2 *Civilisation and its Discontents*. First published as *Das Unbehagen in der Kultur*, 1930.

3 The wider context to this is our culture of individualistic consumerism. However, sexual attitudes are both a strong reflection of and influence on this culture. See Dale Kuehne, *Sex and the iWorld: Rethinking relationship beyond an age of individualism*, Baker Academic, 2009.

4 Source: *Financial Times*.

Sexual ethics ancient and modern

The foundational verse for biblical sexual ethics is Genesis 2:24, 'For this reason a man will leave his father and mother and be united to his wife, and they will become one flesh.'⁵ Jesus quotes this verse in Matthew 19:6 to invalidate the Jewish practice of 'any cause' divorce,⁶ arguing that the husband and wife 'are no longer two, but one. Therefore what God has joined together, let man not separate.'

Paul uses the same verse in 1 Corinthians 6:16 to argue against sex with prostitutes and, by extension, any form of casual sex. In both here and in Matthew 19, the point is that sex – 'one flesh' – creates an enduring bond that should not be broken, although the realities of life post-Fall meant that some provisions for that eventuality were made in Old Testament law. In biblical thought, the ideal is that sex either presupposed or actually brought about marriage (cf. Exodus 22:16–17). Sex with a married woman constituted adultery, breaking the pre-existing one-flesh bond and destroying the integrity of the family, which was considered so serious that it incurred the death penalty (Leviticus 20:10). Unlike in our modern culture of sexual freedom, in biblical law sexual acts had enforceable and serious consequences.

For all this, the Old Testament recognises that humans are fallible and, outside of the most serious offences, it seeks to protect those who might be disadvantaged by sex outside of marriage. For a woman, bearing a child in these circumstances could be disastrous, with the financial burden falling solely on her, or on her extended family. This alone would have acted as a powerful incentive for both the family and individuals to ensure that sex took place only within a recognised marriage where responsibility for any dependants was clear.

In contrast, our culture implicitly views sexual freedom as a greater good than stability or clarity of relationship. Technological and legal changes mean that, in theory, couples do not have to worry about pregnancy, and can have an abortion if necessary. Sex is considered a choice made only by the couple most directly involved and one that has limited consequences beyond the two of them.

This is reflected in the popular mantra that 'sex between consenting adults is no one else's business'⁷ as well as phrases such as 'recreational sex' and 'casual sex' that have passed into common use. The mindset is reinforced by the tacit cultural agreement that no one will judge our choices if we don't judge theirs.

Legally, sex is a private matter between individuals. Assuming there is informed consent (outside of the prohibited degrees of consanguinity – one of the only external conditions still imposed), under the Sexual Offences Act 2003, adults are essentially free to act as they choose, regardless of marital or relationship status. "[C]onsent" is a vital, but unspoken, theme of the Act. Assumptions about consent undergird the whole of the Act and provide it with much of its ideological coherence...⁸ Only occasionally, in limited instances, is a sexual relationship in a professional setting deemed unethical, such as between teacher and pupil or doctor and patient.

There is some recognition of the flaws to this approach. Few people genuinely doubt that sexual freedom has consequences for third parties. One partner's cultural permission to have an affair is the other's lot to be abandoned. The impact on any children is rarely disputed, and grandparents often lose access to their grandchildren when a family splits. But these are emotional and relational impacts, and tend to be compartmentalised from wider public concerns. The belief is still that freedom in the context of sexual relationships has little impact beyond its immediate domain: narrow relational choices only have narrow relational consequences.

What we really mean by 'sex between consenting adults harms no one else' is therefore something more like 'sex between consenting adults is such an important freedom that it is worth the collateral damage' – a risky claim without knowing what that damage actually costs society.

The changing landscape of sexual freedom

The National Survey of Sexual Attitudes and Lifestyles was carried out in 1990 and 2000.⁹ Between these dates, the average age at first intercourse for both men and women fell from 17 to 16 (cf. 18 in 1975 and 21 in the mid-1950s). Further changes are tabulated below:¹⁰

	Men		Women	
	1990	2000	1990	2000
Average number of lifetime partners	8.6	12.7	3.7	6.5
Proportion having concurrent partners in last year	11.4%	14%	5.4%	9%
Proportion paying for sex in last 5 years	2.1%	4.3%		

Since the early 1980s cohabitation has been the most common form of first live-in relationship, now representing 85 per cent of the total. Forty years ago 85 per cent of first unions were marriage.¹¹ The divorce rate in 2010 was 11.1 people per 1,000 married population, compared to 4.4 per 1,000 in 1970.¹²

As (imperfect) proxies for promiscuity, diagnoses of Sexually Transmitted Infections (STIs) in England rose 74 per cent between 1998 and 2009, to 424,782.¹³ The slight decrease in 2010 was the first in more than ten years. The total number of abortions in England and Wales in 2010 was 189,574, 8.0 per cent more than in 2000¹⁴ – down on the 2007 peak of 198,500,¹⁵ but still a vast increase on 1969 (54,819) and 1970 (86,565). This is despite the proportion of women of childbearing age falling in recent years.

Direct costs of sexual freedom

Promiscuity has direct financial costs. STIs are estimated to cost the NHS – and therefore the taxpayer – more than £1 billion per year. There are also longer-term costs. HIV treatment is now estimated at around £0.5 billion a year in the UK, with lifetime costs per case estimated at more than £300,000.¹⁶ Preventing the 3,550 new cases that were diagnosed in 2008 would ultimately have saved £1.1 billion. The estimated 83,000 cases of HIV in the UK at the end of 2008 represent a total lifetime cost of £26 billion. Teenage pregnancy costs the NHS £63 million per year, and a further £29 million for infertility and other complications arising from chlamydia alone.¹⁷ 96 per cent of abortions are carried out on the NHS, at a cost of £650 each,¹⁸ or £118 million.

These direct costs total around £60 per taxpayer annually. However, this 'premium' to insure our sexual freedom soars when the wider costs are taken into account.

Sexual freedom and relationship breakdown

Separation from marriage and cohabiting relationships incurs huge public costs. This statement is relatively uncontroversial, although the scale of the cost is generally underestimated, even by the government. Less widely accepted is the link between sexual freedom and the breakdown of subsequent relationships.

Plainly, relationship breakdown is not always caused directly by promiscuity or unfaithfulness. However, it is part of the same worldview that sees sexual relationship as disposable and of little consequence. Any activity that distances sex from its relational context –

9 A third survey will be completed by 2013.

10 See summary at www.fpa.org.uk/professionals/factsheets/sexualbehaviour (accessed 26 October 2011).

11 John Hayward and Guy Brandon, *Cohabitation: An Alternative to Marriage?*, Jubilee Centre, 2011, p.5. See online at www.jubilee-centre.org/resources/cohabitation_an_alternative_to_marriage

12 National Statistics for England and Wales.

13 Health Protection Authority statistics, see www.nelm.nhs.uk/en/NeLM-Area/News/2011---June/15/HPA-publishes-STI-statistics-for-England/

14 Department of Health, see www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/documents/digitalasset/dh_127202.pdf

15 Department of Health, see www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_085545.pdf

16 *HIV in the United Kingdom*, HPA, 2009. See online at www.hpa.org.uk/web/HPAwebFile/HPAweb_C/1259151891830 (accessed 18 October 2011).

17 www.nhs.uk/sexualhealthprofessional/Documents/Sexual_Health_Strategy_2009.pdf

18 *Contraception and Sexual Health Services for Young People*, Teenage Pregnancy Independent Advisory Group, 2009, see www.apho.org.uk/resource/view.aspx?RID=74843

5 For more information on biblical sexual ethics, see Guy Brandon, *Just Sex: Is it ever just sex?*, IVP, 2009, especially pp.197–216.

6 David Instone-Brewer, *Divorce and Remarriage in the Bible*, Eerdmans, 2002, see www.instonebrewer.com/divorceremarriage for summary.

7 Amongst others, Ken Livingstone and Max Mosley have both made prominent use of this defence in recent years.

8 Jonathan Burnside, *Consent vs Community: What basis for sexual offences?*, Jubilee Centre, 2006, p.3. See online at www.jubilee-centre.org/resources/consent_versus_community_what_basis_for_sexual_offences

casual sex, pornography, serial monogamy – reinforces a mindset in which relationship is secondary to personal sexual fulfilment.

Many people would concede that family breakdown is undesirable, but deny its link with prior promiscuity. This misses both evidence to the contrary and an important point about the way the human mind works. Although our actions are determined by our beliefs and values, our mindset is equally affected by the choices we take. The direction of influence is two-way – a key principle in cognitive behavioural therapy. What we do is habit-forming and character-forming. This implies that promiscuity before marriage will increase the chances of affairs within it. We cannot compartmentalise some actions – especially repeated ones – and assume they will have no consequences regarding our wider character and values. This is supported by the fact that second and third cohabitations and marriages are more, rather than less, likely to split up.

Survey data shows a correlation between promiscuity and subsequent divorce. One recent study found that women who first had sex as teens were almost twice as likely to divorce within five and ten years as those who delayed sex until adulthood. Although this could be explained by the selection factor (those predisposed to divorce were also more likely to have sex at a younger age and with more partners), statistical analysis suggests a causal link: prior sexual experiences affect later sexual relationships.¹⁹

The same link between sexual licence and relationship breakdown is true of men. One of several relevant studies quoted by the influential *Breakdown Britain* report²⁰ found that individuals who had had extramarital affairs or paid for sex were more than three times more likely to have used Internet pornography than those who had not.²¹ Again, correlation alone does not prove causality, but 'Either way, this cluster of behaviours may be understood to validate and legitimize each another.'²² As author Wendy Shalit argues, the pornographic society is one in which infidelity is normal.²³ Put another way, engaging in so-called consequence-free sex and then expecting a stable relationship is like training for a marathon by going for a short walk every day.

The costs of relationship breakdown

Breakdown Britain claimed that family breakdown directly costs the taxpayer £24 billion per year. More recent analysis has shown that the figure is almost twice as high, £42 billion.²⁴ Much of this comes from payments of tax credits and lone parent benefits, housing benefits, and the health, crime and educational impact of relationship breakdown. This sum – nearly £1,400 per year for every taxpayer – is equivalent to 6 per cent of public spending for 2011. This represents one-third of the Health Care budget, or roughly the same as the entire Defence budget or the interest on the national debt.

But £42 billion is only the immediate cost to the taxpayer of relationship breakdown. There are even larger indirect costs to the economy: **Absenteeism:** One UK report from 2000 estimated the annual cost to the economy of lost working hours following divorce at £15 billion²⁵ (around £20 billion today, allowing for inflation – 1.4 per cent of GDP alone). This includes both straightforward absenteeism and presenteeism (when people attend work but are distracted and unproductive due to stress). It does not take into account the cost of lost working hours for cohabitants who separate.

Domestic violence: this is another aspect of relationship breakdown, albeit while the relationship is still ongoing. A 2004 report found that domestic violence costs the taxpayer £3.1 billion per year, and a further £2.7 billion in lost economic output²⁶ – around £4 billion and

£3.4 billion respectively today. It also included 'human and emotional costs' of £17 billion (£21 billion today).

Educational underachievement: Finally, there are the unquantifiable future costs of educational underachievement, worklessness, addiction and mental health problems that *Breakdown Britain* identified as going hand-in-hand with relationship breakdown. Children who grow up in dysfunctional households frequently do not have the same life chances as those with more stable backgrounds. An Australian study estimated that the average impact of divorce is equivalent to half a year of lost education.²⁷ On the grounds that each additional year of education adds roughly 8 per cent to income,²⁸ the lifetime disadvantage to a child of the parents' separation/divorce can be estimated at £40,000. 150,000 children see their parents separate each year, theoretically reducing GDP by £6 billion.

The costs of sexual freedom and relationship breakdown to the taxpayer and wider economy are complex and difficult to calculate, but £100 billion annually is probably a reasonable starting point: about twice as much as alcohol abuse, smoking and obesity combined.²⁹

Addressing moral hazard in the twenty-first century and in biblical Israel

Although the personal financial impact of sexual freedom can be high, it is often comparatively limited and the costs fall instead on the taxpayer. There is a difficult balance to strike here. We live in a fallen world and the reality is that some relationships break down. It would not be right to make separation so expensive that couples and children are trapped in abusive situations. But conversely, the welfare safety net can be exploited, thereby incentivising family breakdown. The UK Treasury does not make the link between the vast costs of relationship breakdown and its drivers, David Cameron's emphasis on the family notwithstanding. Public policy barely acknowledges the existence of the problem, let alone the scale.

In early Israel several factors combined to limit moral hazard regarding sex, including criminal and civil law. The death penalty for adultery would have sent a strong cultural message. Divorcees were not allowed to remarry their first husband (Deuteronomy 24:1–4), preventing recycling of relationships and repeated dowry payments. Sex with a single woman necessarily led to marriage, or at least financial settlement equivalent to roughly five years' wages. Polygamy was tolerated for welfare provision but not encouraged.³⁰

More broadly, there was a focus on the extended or three-generational (3-G) family. This had the effect of pooling resources, income and land within a small group of people, who therefore had strong links based in both family ties and shared economic interests. Rootedness was high, because the Jubilee legislation (Leviticus 25) ensured that each family had an allotment of land that could never be permanently sold.³¹ This also implies that these sub-groups would remain at a broadly similar size in the future. If there were no circumstances in which a family could permanently lose their land, there were no circumstances in which a growing family could permanently acquire new land. Management of moral hazard in the realm of sexual relationships is implicit in this setting. There would have been collective pressure for a man to limit his family size to the available resources – and therefore to avoid extramarital sex. 3-G families who overpopulated were intrinsically penalised by the need for intensive farming, moving to cities, entering servitude or (if they could afford it) leasing land from others until the next Jubilee year.

In the New Testament, grace represents a substantial moral hazard, tempting some to sin knowing that they can always seek forgiveness. Paul addresses this presumption of God's grace in Romans 3:8.

19 Anthony Paik, 'Adolescent Sexuality and the Risk of Marital Dissolution' in *Journal of Marriage and Family* 73(2), 2011, pp.472–85. See press release at http://news-releases.uiowa.edu/2011/june/061411paik_study.html (accessed 10 October 2011).

20 *Breakdown Britain*, Centre for Social Justice, 2006, appendix 5, p.144. See online at www.centreforsocialjustice.org.uk/client/downloads/BB_family_breakdown.pdf (accessed 10 October 2011).

21 S. Stack, I. Wasserman, and R. Kern, 'Adult social bonds and use of Internet pornography', *Social Sciences Quarterly*, 85(1), 2004, pp.75–88.

22 *Breakdown Britain*, p.144.

23 Wendy Shalit, *A Return to Modesty: Discovering the Lost Virtue*, Free Press, 2000, p.54.

24 See the Relationships Foundation's 'Cost of Family Breakdown Index', February 2011, available online at www.relationshipsfoundation.org/Web/News/News.aspx?News=103 (accessed 24 August 2011).

25 'The Cost of Family Breakdown', *Family Matters*, 2000.

26 Sylvia Walby, *The Cost of Domestic Violence*, DTI, 2004, see www.devon.gov.uk/cost_of_dv_report_sept04.pdf

27 M. D. R. Evans and Jonathan Kelly, 'Parental Divorce and Children's Education: Australian Evidence', in *Worldwide Attitudes*, 1995:0717. See online at www.international-survey.org/www_pub/www_div2.htm (accessed 25 October 2011).

28 Cf. e.g. Colm Harmon, Hessel Oosterbeek and Ian Walker, *The Returns to Education: A Review of Evidence, Issues and Deficiencies in the Literature*, Centre for the Economics of Education, 2000. Online at <http://cee.lse.ac.uk/ceedps/CEEDP05.pdf>

29 One qualification is that divorce and separation do add to GDP, through lawyers' and court fees, and demand for new houses, household goods, second cars and so on (supporting the argument that GDP is not a good measure of economic welfare). However, even on the most generous estimates the costs of relationship breakdown still far outweigh its economic upsides.

30 C. J. H. Wright, *Old Testament Ethics for the People of God*, IVP, 2004, pp.330–31, 350–51.

31 Michael Schluter and Roy Clements, *Reactivating the extended family*, Jubilee Centre, 1986, p.11.

The practice of *Corban*, which could disadvantage dependent parents, another example of moral hazard, was criticised by Jesus (Mark 7:9–13).

Insuring sexual freedom

The insurance market breaks down where moral hazard is too great and claims outstrip premiums. This is essentially the case with sexual freedom, the costs of which are now too high to bear.

Insurance companies' answer to moral hazard is to change pricing structures, offering a mixture of incentives and deterrents to balance their books. Premiums go up; cover falls; excesses rise; no-claims bonuses are increased; policies are denied to some people. Externally, there may be a crackdown on false claims and efforts may be made to change the culture through education and awareness campaigns. Following from this, there are broadly three ways to address the costs of sexual freedom.

1. Big State – a large-scale approach that factors in the cost of moral hazard, but thereby also increases it. In finance and insurance, moral hazard requires more elaborate credit checks to gauge whether people will repay their loans, and premiums increase when insurance claims rise. The parallel to the Big Corporation is the Big State – increasing welfare spending to pay for broken families and rising elderly care costs, and raising taxes to fund it all. This is effectively the case in Sweden, where the 50 per cent average tax-take funds state-run day care and 10 months of maternity leave on full pay.

2. Harsh law – strict legislation to prohibit behaviour deemed too costly. Old Testament society included this as one of its measures to protect the integrity of the family. A modern example is found in the Sharia Law practised in Saudi Arabia, which severely punishes extramarital sexual activity. Although legislation can play a role in changing behaviour (as with drink-driving), giving government this kind of intrusive power over personal behaviour today represents an even less viable or welcome option than the Big State.

3. Social accountability – thirdly, and most attractively, the solution of making stability of sexual relationship, and relationships more broadly, culturally normative again. This involves addressing society's underlying individualism/consumerism as well as the sexual behaviour that arises from it. For early Israel this was substantially achieved by fostering rootedness and joint financial interests within small, stable populations. Moral hazard was addressed by relational proximity:³² through the cohesion of the 3-G family, not at the individual or society-wide level.

Today the 3-G family could be strengthened and individualism reduced by using housing policy and tax breaks to encourage relocation closer to relatives (as occurs in Singapore). This initiative could also be promoted more widely by employers, as John Lewis already does. Similarly, housing 'clusters' could be designed to accommodate aging relatives who can still be cared for at home, or grants offered for 'granny annexe' conversions – in the same way that the government offers subsidies for insulation. A high proportion of UK students leave home to go to university and sever their local roots for life, so encouraging people to study more locally will also be an important change.

At present, the tax and benefits system makes it economically more favourable for some parents to live apart – the so-called couple

penalty. Ending this must be a priority. More broadly, tax relief could be provided to those supporting dependent relatives, perhaps by allowing joint tax returns for nuclear and extended families living under the same roof.³³ This would also have environmental benefits and ease the housing crisis: demand would fall by 1 million houses for every increase in average household size of 0.1 people.

More radically, greater common financial interests could be used to strengthen extended families, enabling greater welfare provision in the process. Proposed by the Relationships Foundation, family associations (FANs) are group savings schemes, like friendly societies based around extended families rather than communities or businesses. The rise of the welfare state and the decline of family businesses has individualised finances, reducing family cohesion. FANs would be formal legal entities for groups of people joined primarily by blood, marriage or adoption. Their benefits would include accessing preferential rates through group discounts for insurance, mortgages, welfare and pensions, amongst other things.

There are also ways in which the state could encourage better outcomes. Integrated sex and relationships education will play a vital role. Cooling-off periods and relationship counselling could be required for couples considering divorce or separation. The state could also tax the drivers of promiscuity, such as sexualised advertising. At the time of writing, four Internet providers have just announced they will offer customers the option to block adult content at the point of subscription. This and similar initiatives could be accompanied by a small rebate in customers' bills, funded by the state. One relevant policy aimed at reducing the number of teenage mothers who soon become pregnant again has been tried in several US cities, including Greensboro, North Carolina, with good results. In the 'dollar a day' programme, girls with a baby receive a dollar for each day they are not pregnant. Although the cost to the city is low the payments are enough to encourage young mothers to avoid getting pregnant again.³⁴ A variation of this might discourage serial STI contraction.

Conclusion

The moral hazard that arises from our society's uncritical endorsement of sexual freedom results in massive public costs. There are three ways of containing such an unsustainable liability. The current 'Big State' approach factors in the costs of sexual freedom, thereby actually increasing moral hazard and pushing the financial implications of individuals' choices – totalling many tens of billions of pounds – onto the taxpayer and wider economy. Harsh legislation to reduce sexual freedom, similar to Sharia Law, is an even less attractive option. The third solution, found in the biblical model, is to effect a cultural change and foster greater accountability for sexual choices, strengthening extended families by increasing rootedness and giving them joint financial interests. In this the Christian sexual ethic of faithfulness and stability has not only spiritual justification but offers a pragmatic answer to a failing culture that generally views Christian standards as hopelessly out of date.

³³ *Reactivating the Extended Family*, pp.42–44.

³⁴ See Richard H. Thaler and Cass R. Sunstein, *Nudge: Improving Decisions About Health, Wealth and Happiness*, Yale University Press, 2008, p.234.

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³² See Michael Schluter and David Lee, *The R Factor*, Hodder & Stoughton, 1993, pp.68–92.

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