

Should Non-Monogamy Be Consensual?

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ABSTRACT *Non-monogamists sometimes defend their practices on the grounds that, unlike cheating, practices like polyamory are consensual. I argue that advocates of non-monogamy should not be satisfied with this consent-based defense. The slogan ‘non-monogamy should be consensual’ concedes too much to the hegemonic presumption of monogamy – that is, the idea that monogamous expectations of sexual and emotional exclusivity are the right default setting for romantic relationships. I consider the three most plausible readings of the slogan ‘non-monogamy should be consensual’: that the consent involved is something like sexual consent; that it applies to the relationship as a whole, and not to the non-monogamy in particular; and that it is necessary for releasing someone from a promise or commitment of monogamy. I argue that none of these readings should be acceptable to someone who rejects hegemonic monogamy. I then sketch what a positive alternative to hegemonic monogamy might look like.*

1. Introduction

We live in a culture where monogamy is a widely assumed social convention, and having multiple sexual or romantic partners is equated with infidelity.¹ Non-monogamists often defend their practices on the grounds that non-monogamy, unlike cheating, is consensual. While this framing might seem tempting, I will argue that it concedes too much to the monogamous norm. Claiming that non-monogamy should be consensual tacitly relies on a hegemonic presumption of monogamy – the idea that monogamous expectations of sexual and emotional exclusivity are the right default setting for romantic relationships. But non-monogamists have good reasons to question hegemonic monogamy, and therefore to move beyond the consent framing.

In some ways, this article is continuous with the work of authors like Jordan Pascoe, Katherine Angel, Joseph Fischel, Linda Alcoff, and Quill Kukla, all of whom offer persuasive arguments against the recent trend of framing sexual ethics solely in terms of consent.² But my reasons for objecting to the consent framing are not theirs: whereas these critics argue that consent is a necessary but not sufficient condition for ethical sex, I will argue that it is not always a necessary condition for ethical non-monogamy. This does not mean that I advocate lying or infidelity; rather, I claim that the problem with these practices is not best understood as a problem with consent.

I will proceed as follows. Section 2 defines the terms ‘monogamy’ and ‘non-monogamy’ and gives examples of non-monogamous practices. The beginning of Section 3 clarifies the meaning of the claim that non-monogamy should be consensual by formulating and addressing questions about *what* must be consented to, *who* must give consent to *whom*, and *why* consent is morally significant. This last ‘why?’ question proves difficult to answer.

In Sections 3.1–3.3, I consider what I take to be the three most plausible explanations for the significance of consent in non-monogamy. The first – that the consent involved is something like sexual consent – does not work. The second – that the consent involved applies to the relationship as a whole, and not to the non-monogamy in particular – is at best highly misleading, treating non-monogamy differently from other relationship dealbreakers. The third – that consent is necessary for releasing someone from a promise or commitment – is the most appealing, but it rests on the presumed legitimacy of promising monogamy in the first place. I argue that in a culture with a hegemonic norm of monogamy, promises of monogamy are liable to be morally defective in ways that an ethics of non-monogamy must explicitly question.

In Section 4, I sketch what an alternative to hegemonic monogamy might look like.

2. Characterizing Monogamy and Non-Monogamy

The words ‘monogamy’ and ‘non-monogamy’ refer to a variety of things, including relationships, social expectations, individual behaviors, and identities. I understand both monogamy and non-monogamy primarily in terms of the social convention of monogamy, which can then be used to derivatively characterize practices, relationships, identities, and behaviors as monogamous or non-monogamous.

I will adopt Justin Clardy’s characterization of monogamy as the conjunction of four norms governing romantic relationships.³ For Clardy, monogamy is the social convention that romantic relationships must be *attitude-dependent* (for the relationship to exist, the people involved must agree about its nature), *dyadic* (the only legitimate kind of romantic relationship is between exactly two people), *emotionally exclusive* (certain kinds of emotional intimacy are reserved for the romantic relationship, and not to be shared with people outside it), and *sexually exclusive* (the people in the relationship do not have sex with others, for as long as the relationship lasts).

We can say that people *practice* monogamy insofar as they conform (or aim to conform) to the norms of monogamy, that a *relationship* counts as monogamous insofar as the people in the relationship take it to be governed by the norms of monogamy, and that someone *behaves* monogamously insofar as they conform to the norms of monogamy. Clardy suggests that someone has a monogamous *identity* insofar as the norms of monogamy resonate with them.

What about non-monogamy? Zachary Biondi characterizes the *political project* of non-monogamy as the rejection of monogamy as a societal ideal, on the grounds that this ideal is not worth valuing.⁴ I am specifically interested in versions of this project that challenge monogamy’s norms of emotional and sexual exclusivity. I will briefly summarize and motivate these challenges, referring readers to relevant literature for further discussion, and summarize the political commitment they share. I will go on to consider what adherents of this political project should say about the idea of consensual non-monogamy.

Harry Chalmers and Justin Clardy have argued that requiring sexual and romantic exclusivity from a partner is wrong, because it unfairly limits that partner’s opportunities for sensual pleasure and human connection.⁵ Both authors draw an analogy between demanding that one’s sexual or romantic partner have no other sexual or romantic partners, and demanding that one’s friends have no other friends. To require exclusivity is

to deprive a partner of freedom, and of opportunities for accessing valuable social goods. Such privations are justifiable only if they grant access to goods of equal or greater value.

Bryan Weaver and Fiona Woollard argue that monogamy can (but does not always) grant access to goods of equal or greater value.⁶ They claim that partners may hold each other to a standard of monogamy when:

- (1) the couple responds to the value of sex within the marriage by seeing all sexual activity as having a special significance; (2) the spouses' needs for erotic love are fulfilled by the relationship; and (3) the relationship is sufficiently important to justify accepting restrictions to protect it.

It is clear not all couples meet conditions (1)–(3). Some violate condition (1), because sex is not inherently special, and gains its specialness only by the significance we grant to it. Some violate condition (2), because the spouses need erotic freedom to live fulfilled and well-rounded lives. And some violate condition (3) because, while the romantic relationship adds value to their lives, it is ultimately of lesser importance than other projects. Therefore, imposing a norm of monogamy on everyone would deprive some people of valuable human connection without giving them anything of comparable value in return.

Natasha McKeever argues that while requirements of sexual exclusivity may be morally unobjectionable, existing norms demanding exclusivity are not.⁷ Exclusivity, McKeever writes, 'is not merely a practice that some people choose and others do not; it is a hegemonic cultural norm, which makes lovers take it for granted that they are sexually exclusive, rather than seeing it as a decision that they have made'.⁸ This hegemonic norm is bad both for those who are ill-suited to monogamy, since it deprives them of valuable freedom, and for those who are well-suited to monogamy, since it makes their monogamy a default setting rather than something capable of bringing value and specialness to their romantic relationships.

Moreover, McKeever argues, by placing so much emphasis on sexual fidelity, a hegemonic norm of sexual exclusivity distracts us from the many other ways in which we can succeed or fail as partners. Keeping a secret from a partner, or neglecting their needs for emotional openness and time together, are kinds of unfaithfulness that are not well captured by hegemonic exclusivity norms, but that deserve our thought and attention. McKeever also argues that a hegemonic norm of monogamy makes infidelity more painful when it does occur.⁹

I count a political stance as non-monogamous if it holds that hegemonic norms of monogamy (in particular, hegemonic norms of sexual and emotional exclusivity) are morally objectionable. Non-monogamous approaches include the one advocated by authors like Chalmers and Clardy, who think that monogamy is never morally permissible, and the one advocated by authors like Weaver and Woollard and McKeever, who think that monogamy is sometimes permissible. I now move on to characterizing non-monogamous practices, relationships, behaviors, and identities.

We can classify *practices* as non-monogamous insofar as they present alternatives to a monogamous ideal, with associated theoretical norms and concrete behaviors. Since I am concerned with challenging the exclusivity norms of monogamy, I set aside polyfidelity, which simply applies exclusivity norms to groups larger than a dyad,¹⁰ as well as polygyny¹¹ and the so-called 'one-penis policy',¹² which apply exclusivity norms to women but not to men. Here are some examples of non-monogamous practices I consider relevant to my discussion.

Polyamory is a relationship structure in which ‘people are open to the possibility that more than one of their relationships at a time might develop a strong sense of emotional investment or commitment, and perhaps some level of logistical entwinement’ (p. 101).¹³ An example of someone in a polyamorous relationship is Gahrn’s interview subject Scarlet, who says, ‘I am in a polyamorous relationship with two guys who are best friends. I also have a casual male partner. It is all out in the open; everyone knows about everyone else. One of my partners lives with his other girlfriend. She is also in a relationship with his best friend, as well as one of his ex girlfriends’ (p. 102).¹⁴

Swinging is ‘the concept of dyadic couples deliberately engaging openly in partner-sharing sex’.¹⁵ McDonald writes: ‘The committed dyad forms the hub from which all recreational sexual activity begins for most swinging couples, who go to great efforts to present themselves as a couple, thus simultaneously protecting the dyad’.¹⁶

Open relationships, also known as *partnered non-monogamy*, are ‘a style for committed couples who want a relationship that is erotically non-monogamous, where each partner can be involved with other people for sex, BDSM, or other erotic activities’ (p. 51).¹⁷ In her profile of a real-life couple in an open relationship, Ben and Claire, Taormino writes: ‘they have sex with other people and may have friendships, but their only partnered relationship is with each other’ (p. 59).¹⁸

Relationship anarchy ‘questions the idea that love is a limited resource that can only be real if restricted to a couple’ and holds that ‘you have capacity to love more than one person, and one relationship and the love felt for that person does not diminish love felt for another’.¹⁹ Relationship anarchists also question the tendency to divide relationships into discrete categories like ‘friend’, ‘date’, ‘romantic partner’, or ‘spouse’.²⁰ ‘To the extent that we restrict ourselves to the standard “package deals,”’ write Moen and Sørlie, ‘we lose out on relationship goods that can be gained due to facts about a relationship that, although not generally common for relationships that fall under this category, nevertheless pertain in this particular relationship’ (p. 821).²¹

We can say that a *relationship* counts as non-monogamous insofar as the people in the relationship take themselves to be governed by some set of norms that serve as an alternative to monogamy. Following Clardy, we can say that someone has a *non-monogamous identity* insofar as rejecting monogamy resonates with them, and that someone has a *polyamorous identity* insofar as the specific norms of polyamory resonate with them.²²

There are at least two ways of understanding what makes a *behavior* non-monogamous. On one interpretation, a behavior is non-monogamous whenever it fails to conform to the norms of monogamy. On the other, a behavior is non-monogamous whenever it conforms to or is guided by an alternative set of norms. A spouse who steps out of their ostensibly monogamous marriage for a furtive one-night stand behaves non-monogamously according to the first characterization (since they break the norm requiring sexual exclusivity), but not the second (since no alternative set of norms guides their actions). A single person who announces on a dating app that they are only interested in polyamorous partners behaves non-monogamously according to the second definition (since they act in

accordance with polyamorous norms), but not the first (since, being single, they cannot violate the monogamous norms that constrain romantic relationships).

3. The ‘Consent’ in ‘Consensual Non-Monogamy’

‘Monogamy’ and ‘non-monogamy’ are multiply ambiguous. How, then, should we understand the claim that non-monogamy should be consensual? More precisely, we can ask three questions:

What? What must be consented to?

Who? Whose consent is required, and to whom should they grant it?

Why? Why is consent important?

We can address the ‘what’ and ‘who’ questions by considering typical uses of the phrase ‘consensual non-monogamy’. Authors call upon the phrase ‘consensual non-monogamy’ to distinguish polyamory from ‘the ever-popular non-consensual non-monogamy, otherwise known as cheating’.²³ This suggests that the answer to the ‘what’ question is closely connected to non-monogamous *behavior* – in this instance, behavior that violates monogamous expectations of sexual or emotional exclusivity. Below, I consider both the obvious possibility that the non-monogamous behavior itself requires consent, and the less obvious possibility that what requires consent is the relationship in which the non-monogamous behavior takes place.

In proposing these two answers to the ‘what’ question, I have deliberately chosen to sidestep debates about which behavior counts as non-monogamous. This is because monogamy’s exclusivity norms are variable and contested. After reproducing a ‘seemingly obvious’ characterization of adultery as ‘sex a married person has with someone other than his or her spouse’,²⁴ Raja Halwani notes that every term in the definition is unclear: ‘sex’ (does masturbation count? what about cybersex?), ‘married’ (can’t you cheat on your partner even if you are not legally married?), ‘someone’ (should we count sex dolls or non-human animals?), and ‘other than his or her spouse’ (what about threesomes involving one’s partner and also a third party, or open marriages?).²⁵ Besides, Halwani asks, ‘is it only sexual activities that can be adulterous?’ (p. 182)²⁶ After all, illicit affairs can take many forms.

In Section 2, we saw several challenges to monogamy’s exclusivity norms which targeted not their specific content (that they prohibit the wrong actions) but rather their structure (that they cut one’s partner off from opportunities outside the relationship, or that their hegemonic status makes it harder for the both the monogamously-inclined and the non-monogamously-inclined to access valuable parts of relationships). Therefore, rather than trying to resolve questions about which activities these norms prohibit, I will leave these questions for other philosophers or sociologists, and remain focused on their structure.

I turn now to the ‘who’ question. Any violation of monogamy’s exclusivity requirements must involve a minimum of three distinct people in three roles. I will label these roles Hinge, Partner, and Lover, and for the remainder of the article, I will assume that each role is played by exactly one person. In order for an exclusivity requirement to be in effect, Hinge must have a romantic relationship with Partner. In order to violate the

exclusivity requirement, Hinge must engage in sexual or emotional intimacy with Lover. This suggests an answer to the ‘who’ question: Partner must consent, and Hinge must obtain their consent.

I will consider three possible answers to the ‘why’ question, and argue that none of them is successful. This list of answers is exhaustive to the best of my knowledge – that is, the reasons on the list cover every justification I know of for the claim that non-monogamy should be consensual. But I know of no sound deductive argument that the list is exhaustive. Perhaps there is some alternative interpretation that makes better sense of the claim that non-monogamy should be consensual; if so, consent advocates should find and articulate this framing.

3.1. *Sexual Consent*

On one popular interpretation, non-monogamy should be consensual in the way that sex should be consensual. But what way is that, exactly?

The concept of sexual consent has evolved significantly since feminists in the 1980s lambasted consent discourse for presupposing a heteronormative framework in which ‘The “naturally” superior, active, and sexually aggressive male makes an initiative, or offers a contract, to which a “naturally” subordinate, passive woman “consents”’,²⁷ or ‘Man proposes, woman disposes’.²⁸ In response to these critiques, later feminist activists developed new concepts of sexual consent. The Antioch Womyn, a group of activist students at Antioch College, pushed their university to state in its official policies that consent is granular (and so must be given for each act, for each level of sexual escalation, and on each occasion regardless of the participants’ sexual history), that it must not be coerced, that it must be given verbally before any sexual contact occurs, and that it can be revoked at any time.²⁹ These ideas have since received significant uptake in the law, institutions, and popular culture under the label of ‘affirmative consent’.³⁰

One facet of this new approach to sexual consent is an expansion in the range of activities that are said to require consent. The granularity of consent means that it is required not only for traditional heterosexual intercourse, but for every sexual act in the expansive human repertoire. Feminist writer Hazel/Cedar Troost proposes explicit verbal consent as the standard for all bodily touch, sexual or not. Sexuality researchers identify some non-consensual forms of information-sharing as abuse, such as creating and distributing sexualized photographs of someone without their permission,³¹ or sending dick pics to an unwilling recipient.³² A popular article urges readers to seek people’s consent before roping them into social interactions, sharing personal information about them, discussing difficult subjects with them, giving them gifts, or expecting them to pay for your share of a social excursion.³³

Expanding the scope of consent is part of a larger feminist project devoted to replacing a culture of sexual entitlement with one of mutual respect and care. It might seem tempting, then, to say that these same consent requirements should also apply to non-monogamous behavior – that in order to show adequate respect for Partner’s interests, Hinge must seek Partner’s consent before engaging in any sexual activities with Lover.

But this tempting idea is wrong, for reasons that Moen and Sørlië neatly articulate.

In most discussions about consent in sexual relations, we are interested in the consent of the parties that are having sex. In the phrase ‘consensual

non-monogamy', however, the 'consensual' does not refer to the consent of the people having sex (if it did, the phrase would be distinguishing between rape and non-rape). 'Consensual' refers, instead, to a third party's consent. And yet, although this third party is not the one from whom consent is needed, the phrase makes it seem that way (p. 845).³⁴

Not every activity is or should be subject to everyone's consent. Consider a stranger's choice to wear an outfit you find hideous, a friend's self-destructive drinking, or your adult child's participation in sexual behaviors you find unsavory. All of these things may be legitimately upsetting, and may even give you grounds for complaint, but they do not require your consent. The actions of the stranger, your friend, or your child simply are not yours to control. Moen and Sørli's central insight is that Hinge's activities with Lover do not belong to Partner.

To fully substantiate this claim, we will need some criterion for determining what belongs to Partner and what does not. I will adopt Talia Bettcher's concept of a moral boundary – a culturally constructed rule that 'draw[s] moral lines between people'.³⁵ Moral boundaries govern our informational access to one another, and our interpersonal intimacy; examples might include prohibitions against seeing others naked or letting them see you naked, touching others in areas of the body marked as intimate, or knowing intimate details about their lives.

Moral boundaries are not absolute prohibitions; in fact, they 'exist so they may be, under appropriate conditions, mutually traversed'.³⁶ Crossing a moral boundary constitutes intimacy, which is why people find it valuable to see their partners naked or be seen naked by their partners, to touch their children with affection, or to share intimate details of their lives with their friends. Without these boundaries, there would be no intimacy, but 'merely ... unselective, unfettered sensory and informational access to one other'.³⁷

Moral boundaries are centrally bound up with sexual consent, as well as intimate consent more generally. They determine what we experience as violating, and in a sense, they define us: 'a person is defined by her interpersonal boundaries: to violate a person is to transgress a boundary that delimits her'.³⁸ This is why sexual violence is so violating: it deprives the victim of a kind of meaningful intimate agency which is central to their personhood.³⁹

On an expansive understanding of sexual consent, an action ought to be subject to someone's consent when, and only when, it traverses one of their moral boundaries – the sort of boundary that delimits their intimate selfhood. This criterion explains many of the feminist activists' claims from above. Troost motivates their claim that physical touch should require consent by emphasizing the connection between body and self, writing that 'rape culture works by restricting a person's control of hir body, limiting hir sense of ownership of it, and granting others a sense of entitlement to it'.⁴⁰ Prohibitions on non-consensual sharing of sexualized images are neatly explained by Bettcher's distinction between *privacy* boundaries, which prevent others from freely accessing information about us (for example, by looking at sexualized pictures of us) and *decency* boundaries, which prevent us from accessing potentially unwanted information about others (for instance, by being shown sexualized pictures of them).⁴¹

The language of moral boundaries explains why consent norms are both contested and subject to legitimate cultural variation. Casual, non-sexual touch (from forearm taps to cheek kisses) is part of normal communication in many settings, and is not typically

experienced as violating. Likewise, cultures disagree about which information counts as private, and therefore about what kinds of information-sharing require consent. A culture's moral boundaries may deserve critique (and indeed, Bettcher's 2012 article is devoted to criticizing the implicit sexism and transphobia of gendered moral boundaries),⁴² but there are no fully culture-independent facts about when consent is required.

To sum up, then, an activity requires someone's consent, in the expansive sense based on the concept of sexual consent, when it traverses one of their moral boundaries. I claim that sexual or emotional intimacy between Hinge and Lover does not traverse one of Partner's moral boundaries, and therefore does not require Partner's consent. Why not?

I grant that there is a widespread cultural rule against engaging in sexual or emotional intimacy outside of a sanctioned romantic dyad. VanderVoort and Duck identify adultery as the most common reason given for divorce worldwide,⁴³ and a leading cause of domestic violence.⁴⁴ They describe adultery as a 'transgression', and note that, while the behavior is widespread, communities blame individuals who engage in it, publicly upholding anti-adultery norms through gossip. But this rule does not constitute a moral boundary in Bettcher's sense – it is not the kind of rule that defines Partner's intimate self.

If it were, sexual and emotional connections between Hinge and Lover would constitute a kind of proxy intimacy between Partner and Hinge (since Hinge is, on the typical view, the party who should ask for consent). But Partner and Hinge are separate people; each has a right over their own body, and neither has a right over the body of the other.

In claiming that Partner and Hinge are separate people with separate spheres of control, I reject the Kantian view of Helga Varden who claims that, at least in cases where Partner and Hinge are married, they gain a moral and legal claim to one another's persons.⁴⁵ Varden is following a Kantian feminist tradition pioneered by Barbara Herman, which takes seriously Kant's idea that our sexual appetites can tempt us to objectify and exploit one another, and that a well-designed institution of marriage should prevent exploitation.⁴⁶ Varden argues that marriage should protect the spouses from unilateral uses of force by merging their private spheres into a single domestic sphere, consisting of commonly held private property, each spouse's work and leisure time, and each spouse's sexual activity. Each partner is entitled to control over this shared sphere: Hinge owes Partner a say over Hinge's sex life, and Partner owes Hinge a say over Partner's choice of career.

I agree with Varden's claim that humans are liable to sexually exploit one another without social institutions that protect our individual rights. But I disagree (and I think polyamorists should disagree) with Varden's claim that the best mechanism for protecting individual rights is a social institution that combines the private spheres of married people into a single super-sphere.

One reason for skepticism, independent of non-monogamous philosophical orientation, is expressed by Jennifer Ryan Lockhart.⁴⁷ Drawing on Claudia Card's critique of marriage,⁴⁸ Lockhart argues that the merging of domestic spheres is more liable to encourage abuse than to prevent it. Giving a partner unfettered access to one's home, belongings, and sensitive information makes one extremely vulnerable to harm by that partner. Varden says that marriage protects spouses against 'unilateral use of force' by one another. But as Lockhart points out, 'this natural unilateral "force" amounts to the fact that if one of the partners doesn't consent any longer to having their private life under mutual control, doesn't want to share personal information any longer, or wants to leave the arrangement altogether, they are able simply to withdraw from the situation and to

keep their space, information, and so forth, private from their partner, just as they would from anyone else'.⁴⁹ This use of 'force' is not a moral violation, but a valuable exercise of freedom.

Another reason for skepticism, specific to a non-monogamous outlook, is the degree to which Varden's account of marriage enshrines a hegemonic norm of exclusivity. While Varden defends the permissibility of polyamorous marriage, her conception of polyamorous marriage extends the presumption of exclusivity to groups of more than two people. A person may not enter into more than one marriage or marriage-like contract at a time, Varden argues, because to do so would subject one partner to the arbitrary, unilateral choice of another.

To illustrate this claim about arbitrary, unilateral choice, suppose that Hinge has agreed both to share a home with Partner, and to emotionally support Lover. Then if Lover decides to pursue an emotionally taxing career change, Hinge may have less energy available to help Partner with the household chores. A presumption of exclusivity, Varden suggests, is the only way to protect Partner from the influence of Lover (a third party with whom they have no contract).

It is true that exclusivity affords some measure of security: if Hinge is not allowed to support Lover through an emotionally taxing time without Partner's permission, then Partner thereby gains a greater degree of control over Hinge's contributions to the household chores. But this security comes at a great cost to Hinge's freedom: it is not only Hinge's romantic relationship with Lover that is now subject to Partner's control, but anything in Hinge's life that might threaten their availability for domestic chores, including friendships, family relationships, career, and hobbies.

A conception of marriage that involves merging domestic spheres therefore constitutes an extreme form of power exchange (albeit one that is reciprocal, at least in theory). Even if it is permissible in some cases, power exchange is dangerous as a default setting for romantic relationships. Non-monogamists, who are skeptical of exclusivity norms, should be similarly skeptical of the idea that all romantic relationships should fit Varden's merging conception of marriage. Perhaps they should adopt a non-exclusive conception of marriage⁵⁰ or develop non-marital conceptions of love,⁵¹ but either way, they should be skeptical of the idea that romantic partnership should involve entitlement to restrict a partner's sexuality.

I conclude that Moen and Sørli are right: if we interpret the 'consent' in 'consensual non-monogamy' as something like sexual consent, then non-monogamy does not require a partner's consent. If we are to make sense of consensual non-monogamy, we will need a different interpretation.

3.2. *Consent to the Relationship as a Whole*

On another possible interpretation of 'consensual non-monogamy', Partner's consent is not required for Hinge's non-monogamous behavior, in the form of intimate sharing between Hinge and Lover, but for the relationship between Partner and Hinge.⁵² This interpretation is suggested by Taormino's discussion of consent: 'No one should feel pressured, coerced, or otherwise pushed to be in a relationship they don't want to be in. You should not open up a monogamous relationship or begin a non-monogamous one to please someone else, avoid conflict, or give in to a demand, or because you fear the relationship might otherwise end'.⁵³

At first, this alternative interpretation looks promising. After all, on a suitably expansive understanding of sexual consent, it is true that intimate relationships should be consensual. Intimacy consists in the repeated traversal of moral boundaries, and ongoing traversal requires ongoing consent. Hinge's outside relationship with Lover might be a dealbreaker for Partner – something that makes Partner unwilling to stay in a relationship with Hinge. If Hinge maintains the relationship with Partner through coercion or lying, then Hinge has compromised Partner's consent.

But there are problems with the alternative interpretation. First, the pressure and deceit involved in infidelity are not always enough to compromise Partner's consent. Perhaps Partner would stand by Hinge even if they knew about Hinge's tryst with Lover. In this instance, some philosophers would claim that Partner's ability to consent is intact, since the information withheld makes no difference to their willingness to stay in the relationship.⁵⁴ Or perhaps Partner *does* know, disapproves, and nonetheless consents to stay in the relationship. We can accept that lying and promise-breaking are bad, and that they constitute infidelity, without claiming that they are bad because they violate Partner's consent.

Second, and more seriously, the 'consent' framing treats non-exclusivity as different in kind from other dealbreakers, which can include things like debt, drug use, gambling habits, or children from previous relationships. Lying about any of these dealbreakers is wrong, and may constitute a serious betrayal, but the problem is not a lack of consent – and it is *certainly* not that the dealbreaker is non-consensual. (It is not even clear what it would mean for the existence of children from a previous relationship to be non-consensual, given that they exist now.) Likewise, if Hinge's relationship with Lover constitutes cheating on Partner, the problem is not aptly described as Partner's failure to consent to the non-monogamous behavior, but as Hinge's lying and commitment-breaking.

So the second version of the 'consensual non-monogamy' framing is at best highly misleading. It treats violating an exclusivity expectation as special and different in kind from violating another expectation. Of course non-monogamous relationships, like all relationships, should be consensual, and Taormino is right that 'no one should feel ... pushed to be in a relationship they don't want to be in'.⁵⁵ But non-monogamy is not the aspect of the relationship that requires consent; it is equally true that you should not agree to *monogamy* 'to please someone else, avoid conflict, or give in to a demand, or because you fear the relationship might otherwise end'.

3.3. *Consent as Release from a Commitment or Promise*

A third possible interpretation of the slogan 'non-monogamy should be consensual' treats consent as connected to promising. If you agree to something – whether that is grabbing lunch with a friend, sharing the cost of a house, or forsaking all others – then barring extenuating circumstances, you are morally obligated to follow through, unless the other person consents to a change of plans.

Hallie Liberto's theory of consent supports this third interpretation.⁵⁶ According to Liberto, consent is a way of suspending moral authority. You have moral authority over a domain just in case someone cannot take a particular action in that domain without wronging you: for example, you have moral authority over a neighbor entering your house, a friend or partner reading your email, and an acquaintance touching your body. But your

consent suspends this moral authority, turning a would-be trespasser into a guest, a would-be snooper into a confidant, or a would-be sexual assailant into an intimate partner.

Moral authority can arise from many sources. The bulk of Liberto's discussion focuses on *domain authority*, which arises from features of the moral world, and is the type of authority suspended by sexual consent. (To borrow Bettcher's framing, our moral boundaries constitute a type of domain authority.) But Liberto also touches on *promissory authority*, which arises from promises we make to one another.

In fact, she explicitly connects promissory authority to the concept of consensual non-monogamy. In one of her examples, a married couple begin by promising monogamy to each other, and living by that promise. But years into their relationship, the two people grant each other 'permission to pursue other sexual relationships, but only until the release-giving partner changes his or her mind'.⁵⁷ Not only is this consent necessary to suspend each partner's promissory authority, says Liberto, but this consent can be revoked at any time.

Liberto's account would explain why non-monogamy should be consensual *when someone has made a binding promise of sexual and emotional exclusivity*. (While Liberto's discussion focuses primarily on sexual exclusivity, the basic idea translates to expectations of emotional exclusivity as well.) But it falls short of explaining why non-monogamy should be consensual *in general*. In a culture with a hegemonic norm of monogamy, I will argue, we have good reasons to doubt that promises or expectations of exclusivity are truly morally binding.

One potential problem is that promises of exclusivity are *overextensive*: like promises to have sex on a particular occasion, they offer others control over what cannot rightly be made theirs.⁵⁸ One might object that such promises are neither universally nor necessarily overextensive; they might be justified if they allow people access to otherwise unavailable sources of value. Some people find that promises of exclusivity help them to feel trust and attachment toward a partner,⁵⁹ to mark their romantic relationships as special,⁶⁰ or to manage feelings of jealousy.⁶¹ In intimate relationships, it is permissible, and sometimes even desirable, to grant a partner power over parts of our lives that are typically and rightfully considered ours alone.

These benefits, however, must be weighed against significant costs. In an empirical literature review, Moors *et al.* identify a range of unique benefits of non-monogamy, which they divide into three main themes: diversified need fulfillment (more partners means getting more ways to meet sexual and emotional needs); non-sexual activity variety (having more partners to do things like everyday activities, movies, and date nights); and personal growth/development (freedom from restrictions, self-growth, and the ability to express the full range of sexuality in ways that are not possible when monogamous).⁶² Expecting everyone to conform to monogamy's exclusivity requirements deprives people of access to these social goods – including people who do not find monogamy to be a particularly useful source of trust and security, specialness, or jealousy management.

We can better assess the moral status of monogamy by comparing it to BDSM. Both practices involve partners granting each other forms of intimate access and control that would be inappropriate and overextensive in most contexts, yet neither practice is categorically wrong. Sean Miller argues that BDSM is permissible 'when BDSM practitioners feel sexually empowered, when there is consent, and when the overall lifestyle does not consume their lives'.⁶³ Miller's discussion focuses on self-contained scenes, such as a

dominant flogging a submissive, but what he says could equally apply to relationship agreements, such as a submissive agreeing to serve their dominant coffee every morning from a kneeling position, or agreeing to always wear a piece of jewelry that symbolizes their dominant's control. It could also apply to the relationship agreements of monogamy.

Promising sexual and romantic exclusivity, like promising to serve coffee every morning from a kneeling position, will strike some as a valuable form of intimacy and others as a harmful restriction of their freedom. For those who are genuinely suited to monogamy, promises of exclusivity are not overextensive, just as for those who are genuinely suited to a submissive role in BDSM, promises to serve coffee every morning while kneeling are not overextensive. But a hegemonic norm of monogamy, which assumes that everyone in a relationship should promise exclusivity, is likely to push people into overextensive promises, forcing them into commitments that do not suit or serve them. It would be similarly wrong to single out one person in every relationship who *must* serve coffee every morning from a kneeling position. (It is obviously sexist to single out women in heterosexual relationships for submissive forms of domestic labor, but having a norm of dominance and submission would be a bad social practice even if the roles did not break down along sexist lines.)

Overextensiveness is not the only problem with promises of exclusivity. Another concern is that people can make such promises without fully understanding what they are doing, and without considering the alternatives. Because monogamy is such a common default setting for relationships, people may not even realize that opting out is a genuine possibility.⁶⁴ One qualitative study of attitudes toward monogamy in heterosexual and same-sex couples reports that 'irrespective of their abstract attitudes toward monogamy within the institution of marriage, most heterosexuals took marital monogamy within their own marriages for granted; that is, their decision to be monogamous was implied and required no explicit analysis or discussion'.⁶⁵ Despite this lack of any explicit agreement, some of these couples had a strong expectation of monogamy, and 'expressly stated that should either partner prefer to open up the relationship, the marriage would be terminated' (p. 423).⁶⁶

Nor is it always clear what people who agree to monogamy are agreeing to. Kruger *et al.* found that within a sample of heterosexual undergraduates, there was considerable disagreement about the degree to which 27 behaviors constitute cheating, when done with a person other than one's partner.⁶⁷ The researchers were primarily interested in measuring the degree to which sex and attachment style predict judgments about cheating (it turns out that both variables produce statistically significant effects), but we can also observe that for 17 of the 27 behaviors they considered, there was a standard deviation of over 30 points in the 100-point scale by which the undergraduates classified behaviors as cheating. While there were some points of relative consensus (penile-vaginal intercourse was generally agreed to be cheating, and giving someone \$5 was generally agreed not to be cheating), there was widespread disagreement about items like 'watching a pornographic movie together', 'staying in the same hotel room together', and 'forming a deep emotional bond' with someone other than a partner.

A third problem with promises of exclusivity is that they are socially coerced. Choosing to pursue relationships with more than one person at a time may result in legal punishments through anti-adultery laws, anti-polygamy laws, or loss of child custody, institutional punishments such as housing and employment discrimination, and social

censure.⁶⁸ Promises extracted under duress are typically not considered morally binding;⁶⁹ why should a promise of monogamy be different?

Now, perhaps Liberto is right to suggest that promises of monogamy are binding despite being morally problematic.⁷⁰ She holds that although we should avoid making overextensive promises, accepting them from others, or enforcing them, it is wrong to break them once they have been made. Analogous responses are possible to the other two objections. Perhaps promises made without full awareness of the alternatives still generate moral obligations – after all, breaking them can still hurt and disappoint others who are relying on us. And perhaps promises made under coercive societal conditions are binding; after all, it is commonly assumed that we are morally obligated to show up to our jobs and pay rent to our landlords. Perhaps, to put it in a rhyming slogan, promises of monogamy are wrong to make and wrong to break.

But even if promises of sexual and emotional exclusivity are wrong to break, so that it is technically true under present conditions that non-monogamy should be consensual, this observation fails to capture what is ethically distinctive about non-monogamy. Hegemonic norms of monogamy are not inevitable, but rather contestable and changeable. They are not essential to the ethical value of relationships, and we should be able to articulate the ethics of non-monogamy without holding them fixed as background conditions.

4. Rejecting Hegemonic Monogamy

What would it look like to give up on hegemonic norms of monogamous exclusivity? Would polyamory become the default option instead? Would there be a range of good-enough defaults? How would people structure their choices in a way that was not too cognitively demanding, and enabled them to get on with their lives?

While there is not yet a single, widely accepted alternative to hegemonic monogamy, we can develop useful models by thinking about other shared relationship decisions. Consider, for example, a couple's choice about whether to have children. One possible approach, analogous to hegemonic monogamy, is to institute a default expectation that couples in long-term romantic relationships will have children, which can only be suspended with special effort. The chief advantage of this approach (it is cognitively undemanding) is obviously outweighed by its disadvantages (having children is a significant and costly commitment, and people who undertake it without due consideration may struggle under the strain it places on their finances and relationships).

But there would also be costs to a strong default expectation that couples will not have children; that system would dissuade those who might otherwise derive value and meaning from the life project of having a child. Luckily, there is a natural and widely understood solution: rather than a single presumed default, it is expected that a couple will discuss whether they want children as part of the expected progression of a long-term relationship. The question of whether to have children is rightly considered an aspect of romantic compatibility, and couples who cannot agree part ways.

Similar conversations about sexual and emotional exclusivity are not only possible, but common among young people in the form of 'DTR' ('define the relationship') conversations. In a pair of studies surveying adolescents and young adults, Knopp *et al.* found that over half of participants had included a DTR conversation in their most recent relationships, that the majority of DTR conversations addressed sexual and romantic exclusivity,

and that DTR conversations are associated with positive changes in a relationship, such as increased clarity, intimacy, and commitment.⁷¹

As another model, we might consider departures from the standard heterosexual 'sexual script'. According to the standard or dominant script, a sexual encounter should pass through a predictable sequence of stages that ends in intercourse. This script casts men in the role of aggressors and women in the role of gatekeepers and passive recipients, and creates barriers to women's refusals of unwanted sex.⁷²

Rittenhauer and Sauder consider alternatives to the standard sexual script, which they argue are more commonly adopted among sexually experienced people, as well as members of the queer, polyamorous, and kink communities.⁷³ In most of these groups, while they found that departing from the standard script led to more effective sexual communication, there was no cohesive set of shared expectations. The notable exception was the kink community, which had converged on a shared alternative sexual script, in which participants share limits and wants before any sexual interaction takes place. While participants did not always adhere to this alternative script, women in the kink community reported engaging in significantly more assertive and communicative behavior than women from other groups.

Like the dominant sexual script, the dominant relationship script, often called 'the relationship escalator', can be disempowering. The relationship escalator requires participants to move through a series of pre-determined stages culminating in a single, socially preferred end state: a sexually and romantically monogamous marriage in which partners live together, combine finances, own property, and raise children together.⁷⁴ While the relationship escalator works well enough for many people, many of Gahran's interview subjects cited things about it that did not work for them. Dissatisfaction with the pressures of monogamy is one theme that emerges in her discussions, but there are others: the sense that merging one's life and identity with a partner limits autonomy, a desire to put more energy into non-sexual and non-romantic relationships than the relationship escalator allows, an interest in less adversarial endings to relationships than traditional breakups.

As yet, there is not a single shared alternative to the relationship escalator that plays the role of the kink sexual script. But Gahran surveys a range of alternative possibilities. In addition to the non-monogamous relationship styles mentioned earlier in this article, there are scripts for 'apartners' (romantic partners who maintain separate homes), single and celibate people, close non-sexual friendships, and short-term partnerships.

Making alternative scripts more widely visible would empower people to make informed decisions about whether monogamy is truly right for them – and if so, what shape that monogamy should take. A helpful lesson from the kink community is that negotiation timing and topics can themselves be scripted, and in fact, some relationship anarchists have sought to design just such a script. The Relationship Anarchy Smorgasbord, developed by Lyrica Lawrence and Heather Orr of Vancouver Polyamory in 2016, is a list of topics for partners to debate in order to set shared relationship expectations.⁷⁵ The original list covers nine topics from sexual intimacy to co-caregiving to collaborative artistic partnerships, while an updated 'version 6' incarnation by Maxx Hill covers 28 themes including 'Exclusivity' (with sub-themes 'Sexual', 'Emotional', 'Social', 'Structural', 'Romantic', and 'Specific activities').⁷⁶

The models of parenthood and sexual negotiation show that a single, default script is not the best we can do. While there is not yet a consensus alternative or set of alternatives to the standard 'relationship escalator' script that includes monogamy and more,

non-monogamists should advocate exploring and sharing alternatives, and incorporating explicit negotiations about exclusivity into our relationship scripts.

5. Conclusion

The concept of consent is poorly suited to capture what is ethically good about non-monogamy, or what distinguishes non-monogamy from cheating. Feminist models of sexual consent do not apply to Partner's consent to sex that takes place between Hinge and Lover. While all relationships should be consensual, including non-monogamous ones, it is not the non-monogamy that requires consent. And while consent may be required to release someone from a promise of monogamy, the best approach to such promises is often not to make them in the first place.

Advocates of non-monogamy have plenty of other ways to explain why cheating is wrong. Cheating involves commitment-breaking and dishonesty. Non-monogamy is different; it involves refusing to take on certain commitments to exclusivity in the first place. To choose our commitments ethically, we should think through the alternatives, and think carefully about our own needs and the needs of others. We need not, however, seek anyone's consent.

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NOTES

- 1 Talia Bettcher, "Full-Frontal," uses the term 'Eurocentered cultures' to denote 'dominant cultural forms of life situated in the US/European-centered context of the present day'. My conclusions are based on observations about Eurocentered cultures, and are meant to apply to those cultures; how far they extend to other cultures is an empirical question I leave open.
- 2 Pascoe, "Beyond Consent"; Pascoe, "Coloniality"; Angel, *Tomorrow*; Fischel, *Screw Consent*; Alcoff, *Rape*; Kukla, "Nonideal Theory."
- 3 Clardy, "Monogamies."
- 4 Biondi, "What It Means."
- 5 Chalmers, "Morally Permissible"; Chalmers, "Unredeemed"; Clardy, "Monogamies."
- 6 Weaver and Woollard, "Marriage."
- 7 McKeever, "Is the Requirement."
- 8 *Ibid.*, 363. Hegemonic monogamy is also sometimes referred to as 'mononormativity', a term coined by Robin Bauer and Marianne Pieper to describe a dominant discourse in which 'the only available language is of monogamy and infidelity' (Ritchie and Barker, "There Aren't Words").
- 9 McKeever, "Why."

- 10 The Kerista commune, whence the term 'polyfidelity' originates, defines it as a 'group of best friends, highly compatible, who live together as a family unit, with sexual intimacy occurring equally between all members of the opposite sex, no sexual involvement outside the group, an intention of lifetime involvement, and the intention to raise children together with multiple parenting' (Pines and Aronson, "Polyfidelity").
- 11 Polygyny is the practice of one husband taking multiple wives; see Brooks, "Problem," for critique.
- 12 Mint, *Playing Fair*, describes this as a practice among heterosexual couples where 'the man can date other women, but the woman or women can also only date women in addition to this man'.
- 13 Gahran, *Stepping Off*, 101.
- 14 Ibid, 102.
- 15 McDonald, "Swinging," 70.
- 16 Ibid., 72.
- 17 Taormino, *Opening Up*, 51; note that Taormino uses 'open relationships' as a broader umbrella term for what I am calling 'non-monogamy'.
- 18 Ibid, 59.
- 19 Nordgren, "Short."
- 20 Moen and Sørlie, "Ethics."
- 21 Ibid, 821.
- 22 Clardy, *Why It's Okay*, 2023.
- 23 Easton and Hardy, *The Ethical Slut*, 2017, 64.
- 24 Primoratz, *Ethics*, 78.
- 25 Halwani, *Philosophy*, 178–84.
- 26 Ibid, 182.
- 27 Pateman, "Women," 164.
- 28 MacKinnon, *Toward*, 174.
- 29 A full version of the text can be found at <http://www.mit.edu/activities/safe/data/other/antioch-code>.
- 30 Malae, "Policy Relay."
- 31 McGlynn *et al.*, "Beyond."
- 32 Hayes and Drageiwicz, "Unsolicited."
- 33 Weiss, "7 Ways."
- 34 Moen and Sørlie, "Ethics," 845.
- 35 Bettcher, "Full-Frontal," 323.
- 36 Ibid., 324.
- 37 Bettcher, "Phenomenology," 6.
- 38 Bettcher, "Full-Frontal," 323.
- 39 Bettcher, "Phenomenology."
- 40 Troost, "Reclaiming," 171.
- 41 Bettcher, "Full-Frontal."
- 42 Ibid.
- 43 VanderVoort and Duck, "Sex," citing Betzig, "Causes."
- 44 VanderVoort and Duck, "Sex," citing Daly and Wilson, *Homicide*.
- 45 Varden, *Sex*.
- 46 Herman, "Could It."
- 47 Lockhart, "Symposium."
- 48 Card, "Against Marriage."
- 49 Lockhart, "Symposium," 52.
- 50 See Brake, *Minimizing Marriage*.
- 51 See Card, "Against Marriage."
- 52 Thanks to Jess White and Rowen Henning for this suggestion.
- 53 Taormino, *Opening Up*, 34.
- 54 Fischel, *Screw Consent*; Dougherty, "Sex."
- 55 Taormino, *Opening Up*, 34.
- 56 Liberto, *Green Light Ethics*.
- 57 Ibid., 37.
- 58 Liberto, "Problem."
- 59 Kirton and McKeever, 2023.
- 60 McKeever, "Is the Requirement"; York, "Why."

- 61 McKeever and Brunning, 2022; York, “Why.”
 62 Moors *et al.*, “Unique.”
 63 Miller, 2017, 521.
 64 Ritchie and Barker, “There Aren’t Words.”
 65 Green *et al.*, “Marital Monogamy,” 423.
 66 *Ibid.*
 67 Kruger *et al.*, “Was That Cheating?”
 68 Emens, “Monogamy’s Law.”
 69 Shiffrin, *Speech Matters*.
 70 Liberto, “Problem.”
 71 Knopp *et al.*, “Defining.”
 72 Frith and Kitzinger, “Reformulating.”
 73 Rittenhauer and Sauder, “Identifying.”
 74 Gahrn, *Stepping Off*.
 75 See Moen and Sørli, “Ethics.”
 76 Hill, “Relationship.”

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