Mappes — ‘Sexual Morality and the Concept of Using Another Person’ and

Soble — ‘Sexual Use’

• According to Immanuel Kant, it is impermissible for one person to use another as a mere means to achieving their own private ends. We must treat others as ends in themselves.

  – We all have our own private projects and plans. It is permissible for us to pursue these projects and plans — however, we must be respectful of the fact that others are also pursuing their own projects and plans. So, we can recruit others to help us pursue our projects, but their participation must be based on their informed and voluntary consent. If I either force you to act in a way to further my own ends, or if I lie to you to get you to act in a way to further my own ends, then I have used you as a mere means to achieving my own private ends. I have failed to treat you as an end in yourself.

• So, according to Kant, you have immorally used somebody iff you use them to further your own ends without obtaining their voluntary and informed consent.

• Mappes applies this formula to the case of sexual morality and concludes that sex must always be consensual — that is, both parties must agree to sex under conditions of full information.

  A sexually uses B iff A intentionally acts in a way that violates the requirement that B’s sexual interaction with A be based on B’s voluntary informed consent.

• There are thus two ways that a sexual interaction could fail to be consensual: either because one party’s involvement is not voluntary (i.e., they are coerced), or because one party’s involvement is not informed (i.e., they are deceived).

  – Note: It’s not enough that the other party is neither coerced nor deceived — they must also be capable of consenting. Children, the developmentally disabled, and the severely intoxicated are not in a position to consent, even if they are neither deceived nor coerced.

• Examples of cases in which a person is sexually used because their involvement is not informed:

  – A man lies about having had a vasectomy
  – A man tells a woman who is only willing to have sex in a loving relationship that he loves her when he doesn’t actually love her.
  – A woman tells a man that she is single when she is actually married.
  – A bisexual woman tells a lesbian who is uninterested in having sex with bisexual women that she is a lesbian.
  – A man neglects to mention to a woman he is courting that he has been in a sexual relationship with her sister (when he knows that this would make a difference to her).
• **Soble**: This is implausible. Suppose that Alan has an unusually large/small penis, and this fact would (predictably) dissuade a potential sexual partner from going to bed with him. That doesn’t mean that Alan is impermissibly using somebody if he fails to divulge this detail. Suppose that Aroosa has unusually small breasts, and suppose that this fact would (predictably) dissuade a potential sexual partner from going to bed with her. That doesn’t mean that she is using somebody impermissibly if she stuffs her bra.

• There are two ways that sex could be **coerced**: the coercion could be **occurrent** or **dispositional**.
  
  – **Occurrent Coercion** is coercion which bypasses consent altogether. Forcible rape (rape which proceeds by physical force) is an instance of occurrent coercion.
  
  – **Dispositional Coercion** is coercion which undermines the voluntariness of the consent. If a rapist threatens to harm a woman unless she submits, then he dispositionally coerces her.

• An objection: how to we draw the distinction between **dispositional coercion** and **persuasion**? Surely not all forms of persuasion are impermissible—but then what distinguishes such persuasion from outright coercion?
  
  – Mappes: Consider the following four cases:
    
    Case 1: An employer makes it clear to an employee that if they do not have sex with them, they will lose their job.
    
    Case 2: A debtor refuses to repay their loan unless their creditor has sex with them.
    
    Case 3: A man offers a woman theater tickets if she agrees to have sex with him.
    
    Case 4: A woman offers a man a trip to Europe if he agrees to have sex with her.
  
  – The difference between cases 1 and 2 and cases 3 and 4 is that 1 and 2 involve **threats** whereas cases 3 and 4 involve **offers**.
  
  – In a **threat**, the person says that they will do something **bad** if you **don’t** comply with their wishes.
    
    ∗ A threat leaves you worse off if you don’t comply.
    
    ∗ This includes the withholding of benefits to which you were entitled if you don’t comply (e.g., Case 2).
  
  – In an **offer**, the person says that they will do something **good** for you if you **do** comply with their wishes.
    
    ∗ An offer does not leave you worse off if you don’t comply.

• **Soble**: This is also implausible. Consider the following threat:

  *Have sex with me or I will find another boyfriend.*

  – This leaves you worse off if you don’t comply, and so counts as a threat, on Mappes’ view. But it is permissible nevertheless. So satisfying Mappes’ criteria is not sufficient for coercion to be impermissible.

• **Soble**: A sexual ethics must not merely focus on issues of **consent**. It must also take into account questions of **rights**. Does my potential sexual partner have a **right** to know how large/small my breasts are before they decide whether to have sex with me? Do I have the **right** to demand sex from my boyfriend?