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Sexual Morality and Owning Our Own Bodies

In our current age of “hook-up cultures” and premarital sex, the issue of sexual morality in our society is one that must be addressed. As the younger generations become sexually active at earlier times in their lives, we need to discuss appropriate views of sexual activity and the moral limitations of sexual acts. Conventional sexual morality will tell us that sex outside of marriage is immoral. Another sexual ethic might claim that sex without love is not morally permissible. However, in today’s changing and ever more liberal society, it is important for us to come to terms with a new view of sexual morality that allows more freedom and flexibility between individuals.

Many philosophers will agree on the idea that our bodies are not our property. Instead, they view our physical bodies as parts of who we are as individuals, not to be bought and sold at random, but rather to be respected and treated as parts of ourselves as persons. However, I will make the contractarian argument that both legally and morally speaking, our bodies are in fact our property and that when it comes to sexual morality, voluntary and informed consent is required for morally permissible sexual acts, but decency is not.

When talking about our bodies as being our property, we are talking about personal property, also known as “personalty.” Personalty is legally defined as “movable assets (things, including animals) which are not real property, money or investments” (ALM Network of Legal

Publications, Events, Research, and Intelligence Tools). “Real property,” as mentioned in the definition of personalty, is land or immovable items owned by an individual.

By viewing our bodies as our personal property, we can also apply any legal concepts connected with personalty to our bodies. For instance, *Nemo cogitur rem suam vendere, etiam justo pretio* states that “no one is compelled to sell his [or her] own property, even for a just price” (Farlex). This is consistent with our knowledge regarding the sale of organs or other body parts, both in legal and black market settings. No one can (legally or morally) force me to sell my kidney to a dying hospital patient, regardless of how well-paid I might be after the procedure. We can also apply *Rerum suarum quilibet est moderator et arbiter*, meaning “every one is the manager and masser of his [or her] own affairs or his [or her] property” (Farlex). This is perhaps the most important part of owning our own bodies, because it clearly lines up with the idea that we are the only ones who can decide what we can do and allow to be done to our bodies.

Now that we have established some key terms, let us move on to the idea of sexual morality. As I mentioned earlier, older views of sexual morality consist of the immorality of premarital sex and of sex without love. However, in today’s society it is a common understanding that most Americans do not wait for marriage to have sex. In fact, according to one study, seventy-one percent of American citizens between the ages of eighteen and twenty-three have had sex (Smith, Christoffersen and Davidson). Because of the high rate of Americans having sex at increasingly younger ages, it is important to focus on what it means to violate the sexual rights of another person.

In his article, “Sexual Morality and the Concept of Using Another Person,” Thomas A. Mappes defends his thesis that a person is “guilty of sexually using another person” (Mappes, Zembaty and DeGrazia 165) if and only if the stipulation of voluntary informed consent (VIC) is

violated. He claims that all competent adults have a right to determine what happens in and to their bodies. A true Kantian, Mappes cannot allow any person to be treated only as a means to another's pleasure should VIC be violated. We can rephrase this in legal terms to mean that it is illegal—and morally impermissible—for a person (A) to use another person's (B) personality without B's voluntary informed consent regarding A's use of B's personality. Therefore, it is both immoral and illegal for one person to violate the VIC of another person during any kind of sexual interaction.

Howard Klepper claims in his article, "Sexual Exploitation and the Value of Persons," that VIC is not sufficient for satisfying the demands of Kantian ethics. In addition to Mappes's VIC stipulation, Klepper says we must also have a certain amount of decency toward our partners during and after sex in order to avoid using another person as a mere means. This decency requirement means that it is each party's responsibility to ensure mutual pleasure during sex and mutual respect afterward. However, if we are to view our bodies as our personality, decency is not a necessary moral requirement, as long as VIC is not violated. If we borrow someone else's car and use it in a demolition derby, we are not really treating the car (someone else's property) respectfully. However, so long as the car's owner gives VIC, understanding fully that the car will be used for this purpose, there is no moral or legal issue.

Consider the cases of child vaccinations and organ donation in modern social ethics. If we are to truly treat our bodies as our own property, then we have the right to choose what happens to our own bodies at any point in our life. The only exceptions to this rule would be mental illness when we are not able to rationally decide what to do with our own property and ages under eighteen when our parents or legal guardians have the right to decide the fate of our property for us. Because our bodies are our personality, it seems reasonable that each individual

be allowed to decide whether or not to get vaccinations. However, in our society, we understand that it is sometimes necessary to give up personal freedoms in order to ensure public health. Due to this cultural contract, we are obligated to have ourselves and our children vaccinated in order to safeguard the health and safety of the public.

In the case of organ donation, the argument for our bodies as our personalty has already been employed on a number of fronts. As it stands now, we are able to donate our corpses and all our organs to dying hospital patients or medical research facilities immediately upon death, as long as we meet the health requirements for doing so. Men can donate their sperm and women can donate their eggs in exchange for money. One can even be paid to participate in laboratory research involving human test subjects. All of these activities are currently legal under U.S. law, but are they truly morally permissible? If we view our bodies as our personalty, then as long as VIC is satisfied, the answer is yes. In the same manner we cannot morally permit ourselves to coerce or deceive a person into donating their bone marrow to a dying cancer patient, we also cannot coerce or deceive a person into performing a sexual act.

What do the above cases of vaccination and organ donation have to do with sexual morality? Both cases involve contracts, either verbal or written, between the owner of the personal property and the user of said property. When engaging in sexual activities, the individual persons involved similarly engage in a contract. The stipulations of the contract involve no one other than those directly involved in the sexual act, so long as all parties agree to privacy. VIC is a required component of any sexual contract, but decency is not necessarily essential. A mutual expectation of pleasure is typically in place, but may be yielded as long as the verbal/written contract states that pleasure for both parties is not required in the arrangement.

Using this contractarian viewpoint, prostitution and the infliction of pain during sex are both morally permissible, as long as VIC is satisfied in the contract. In the case of prostitution, contracts may differ from partner to partner, but the constant in any prostitution contract is the stipulation of mutual exploitation. In other words, the prostitute wants money, the client wants pleasure, and each exploits the other to get what they want. If the client wants to inflict pain on the prostitute during the sexual act, this must be stipulated in the contract and again, VIC must be satisfied. Even if the prostitute gains no pleasure from being hurt during sex, as long as he or she understands what will happen and agrees to the terms uncoerced, there are no moral repercussions for the ensuing sexual act.

Perhaps one of the most disturbing implications of this contractarian view of sexual morality is the idea that if our bodies are truly our personalty, then it is morally acceptable for a person to sell his/her entire body to another person. In other words, as long as VIC is satisfied, this view allows for the moral permissibility of slavery. Unfortunately for critics of this view, I will very openly claim that yes, a type of slavery is permitted when we consider our bodies as our personalty. As long as VIC is not violated, this is not truly a moral issue, but rather one of personal preference.

There are persons in the world who desire to give up all autonomy and belong—at least in a bodily sense—to another person. Again, this is a contract between the one selling his/her body and the one buying the body. I want to emphasize that this is only the buying/selling of a person's body, not the entire person. One cannot sell his or her mind and/or "soul" to another without ceasing to be who he or she is as an individual person, but the selling of the body is morally permissible because it does not define him/her as an individual.

Another serious objection to this contractarian view comes directly from Immanuel Kant who claims that “[t]he body is an inseparable part of a person, and because persons are priceless it cannot be treated as a mere thing...” (Mappes, Zembaty and DeGrazia 182). I admit that a body is an absolute necessity for a human to exist in our universe; without bodies we are simply individual consciences floating in space. Our bodies also take a large role in developing who we are as individuals—body image is a strong and dangerous thing—but so do our parents and socioeconomic backgrounds. This does not mean that to continue to be the person you were when you were born you must stay within your socioeconomic class for the rest of your life or always live with your parents.

Is a veteran or accident victim who has lost a limb not still the same person he or she was when he or she was whole? The argument could be made that they may not be the same person due to the mental trauma of involuntarily losing a limb, but the actual lost limb is not what changes the person. Does getting a piercing or plastic surgery change who I am as a person? Of course not, I am still me. Does our individuality truly hinge—at least in part—on our bodies as Kant suggests? I do not think so. Instead, if we view our bodies as our personal property, we can use the very Kantian view of having the autonomy and personal freedom to do with our possessions whatever we desire. Because we own our own bodies, we may engage in any sexual act with any person without moral repercussions, so long as the conditions of the contract between ourselves and the other participating individuals do not violate VIC.

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