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ORIGINAL ARTICLE

Mary, did you consent?

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Abstract

The Christian and Islamic doctrine of the VIRGIN BIRTH claim God asexually impregnated the Virgin Mary with Jesus, Mary's impregnation was fully consensual (VIRGIN CONSENT), and God never acts immorally (DIVINE GOODNESS). First, I show that God's actions and Mary's background beliefs undermine her consent by virtue of coercive incentives, Mary's comparative powerlessness, and the generation of moral conflicts. Second, I show that God's non-disclosure of certain reasonably relevant facts undermines Mary's informed consent. Third, I show that a recent attempt by Jack Mulder to rescue VIRGIN CONSENT fails. As DIVINE GOODNESS and VIRGIN CONSENT are more central to orthodoxy, Christians and Muslims have powerful reason to reject VIRGIN BIRTH.

Keywords: Virgin Birth; divine goodness; consent; coercion; power differential; deception; Immaculate Conception

Introduction

The Nicene Creed, the Apostles' Creed, and the Gospels of Saint Matthew (1:18–23) and Saint Luke (1:26–38) testify that Jesus was conceived by God and born of the Virgin Mary. Of these, the Lucan account is most detailed:

> And in the sixth month the angel Gabriel was sent from God unto a city of Galilee, named Nazareth, to a virgin espoused to a man whose name was Joseph, of the house of David; and the virgin's name was Mary. And the angel came in unto her and said, 'Hail! Thou that art highly favoured, the Lord is with thee: blessed art thou among women.' And when she saw him, she was troubled at his saying, and cast in her mind what manner of salutation this should be. And the angel said unto her, 'Fear not, Mary: for thou hast found favour with God. And, behold, thou shalt conceive in thy womb, and bring forth a son, and shalt call his name Jesus. He shall be great, and shall be called the Son of the Highest: and the Lord God shall give unto him the throne of his father David: And he shall reign over the house of Jacob forever; and of his kingdom there shall be no end.' Then Mary said unto the angel, 'How shall this be, seeing I know not a man?' And the angel answered and said unto her, 'The Holy Spirit shall come upon thee, and the power of the Highest shall overshadow thee: therefore also that holy thing which shall be born of thee shall be called the Son of God. And, behold, thy cousin Elisabeth, she hath also conceived a son in her old age: and this is the sixth month with her, who was called

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> barren. For with God nothing shall be impossible.' And Mary said, 'Behold the handmaid of the Lord; be it unto me according to thy word.' And the angel departed from her. (Luke 1:26–38)

Endorsed by the creeds, the *Gospel of Saint Matthew*, and the *Gospel of Saint Luke* is the following:

> VIRGIN BIRTH
> God asexually impregnated the Virgin Mary with Jesus.

This is widely believed to be an *essential* teaching of Christian theism (Crisp (2008); Pawl (2011), ch. 1) and an important teaching of Islamic theism (Thurlkill (2007); Abboud (2014)). So, arguments against VIRGIN BIRTH are arguments against Christian theism. Furthermore, I shall assume orthodox Christian and Islamic commitments to the following theses:

> VIRGIN CONSENT
> God's asexual impregnation of the Virgin Mary with Jesus was consensual for Mary, God, and any other parties whose consent was necessary for all-things-considered permissibility.[1]

> DIVINE GOODNESS
> God's actions are never all-things-considered morally impermissible.

I shall argue that VIRGIN BIRTH is false because Mary could not have consented to God's offer asexually to impregnate her. For Christian theists inclined to think God would have acted impermissibly by impregnating Mary without her consent yet are committed to divine moral perfection, my arguments entail that either VIRGIN BIRTH, VIRGIN CONSENT, or DIVINE GOODNESS is false. Rejecting VIRGIN BIRTH is preferable to rejecting either VIRGIN CONSENT or DIVINE GOODNESS. The falsity of the former would permit God to bypass Mary's consent entirely or impregnate her even if she turned him down. The falsity of the latter entails an amoral or immoral divine nature.[2] As Jack Mulder writes,

> [It] scarcely appears negotiable for Christians that Mary's consent to bear Jesus was free. God, after all, is not a rapist, and however extraordinary her pregnancy, it is God who is the child's (only) father and Mary his mother, and this relationship cannot give place to coercion. (Mulder (2012), 123)[3]

I shall also assume several mainstream components of consent: namely, that consent is best characterized as an act of normatively significant rights-waiving on the basis of sufficient information by the party waiving the right. I'll understand these in the following way:

> WAIVING
> If *S* consents to agent *R*'s *A*-ing (or proposing to *A*) at time *t*, then *S* waives their right against *R*'s *A*-ing (or proposing to *A*) at *t*.

> FREEDOM
> If *S* consents to agent *R*'s *A*-ing (or proposing to *A*) at time *t*, then *S* is not coerced to consent to *R*'s *A*-ing (or proposing to *A*) at *t*.[4]

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INFORMED
If *S* consents to agent *R*'s *A*-ing (or proposing to *A*) at time *t*, then *S* is sufficiently informed about *R*'s *A*-ing (or proposing to *A*) at *t*.

Because many accounts of coercion appeal to the *beliefs* of the coercee, I shall make some provisional assumptions about beliefs Mary probably held at the Annunciation. The first:

(B1) *My child will be the Davidic Messiah, the one who will restore Israel and end imperial Roman occupation.*

B1 enjoys considerable support both within the biblical text itself (i.e. Luke 1:32–33) and within biblical scholarship (Schaberg (2006), 111). Moreover, the understanding that the Davidic Messiah would be a 'warrior judge who would overthrow the Gentiles by divine aid' (Collins (2013), 91) was widely held among Jews at the time (Atkinson (2011); Schiffman (2006)). Second, Mary probably believed:

(B2) *I am morally obligated neither to prevent nor to delay the coming of the Davidic Messiah.*

The opposition of Jews to imperial Roman occupation of Palestine provides support for B2, and Mary would probably have believed it was her Jewish duty to restore the Promised Land to Jewish rule (Mulder (2012), 125). Third, Mary probably would have believed:

(B3) *I am morally obligated always to obey God's commands.*

A belief in B3 is reflected by Mary in the portion of Luke 1:38 which reads, 'Behold the handmaid (*doulē*) of the Lord', where *doulē* is best translated as 'slave' and indicates total obedience to God (Schaberg (2006), 122–125). Moreover, obligatory obedience to God's commands was a near-universal assumption among ancient Jews. Relatedly, Mary would have believed:

(B4) *I am morally prohibited from questioning or bargaining with God.*

It is possible that Mary was familiar with biblical texts wherein biblical figures such as Moses, Job, and Jonah questioned, argued, or bargained with God. However, familiarity with those passages would also carry familiarity with the potential *penalties* of doing so: Jonah became trapped in a fish's belly (Jonah 1), Moses and Job were reminded of their places in the created order (Exodus 4:10–17; Job 38), the Israelites' resistance to manna and demand for quail resulted in God cursing them with a lethal disease (Numbers 11:31–34), Jephthah's promise of a burnt offering resulted in his own daughter being sacrificed (Judges 11:34–40), and Miriam was struck with leprosy for questioning Moses as God's mouthpiece (Numbers 12).[5] Thus, Mary would have at least believed the following variant of B4:

(B4*) *Questioning or bargaining with God risks divine punishment.*

Both the scriptures and the tradition tell us Mary was betrothed to Joseph. Plausibly, then, Mary would have believed:

(B5) *I am morally obligated to remain sexually/reproductively faithful to Joseph.*

Jewish conceptions of faithfulness required not only that wives refrain from sex with anyone other than their husband, but also that they refrain from *reproducing* with anyone other than

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their husband. First, this is why in 2 Enoch, Nir, the husband of infertile-but-now-pregnant Sopanima, 'does suspect that something indecent and miraculous has taken place: the pregnancy is inappropriate because he himself was not involved (i.e. through sexual intercourse between husband and wife)' (Stuckenbruck (2014), 158). This reflects a common assumption among ancient Jews, and thus probably Mary herself. Second, the principal purpose of marriage in ancient Judaism was reproduction (Cohick (2009), 79), so Mary (and Joseph) probably presumed her betrothal to Joseph required her to reproduce only with him.[6] Third, Mary's concern about Joseph's reaction to her pregnancy might merely reflect her worry that Joseph will view her as having been *sexually* unfaithful, but there is little reason to believe she didn't also fear Joseph viewing her as *reproductively* unfaithful. Let's move on to consider one of the most intriguing beliefs held widely among ancient Jews:

(B6) *Humans ought not to procreate with spiritual beings.*

Here, the Watchers/Nephilim tradition of 1 Enoch and 2 Enoch claims that spiritual beings, usually interpreted to be fallen angels, share spells and sorcery with humans, have sex and reproduce with human women (resulting in Giants), and are subsequently the cause for which God floods the world. Of principal concern to Jews at the time was the 'defilement with women's blood', and in particular of 'human blood in an absolute sense' (Loader (2008), 342). Indeed, Saint Paul's requirement that women wear veils 'because of the angels' (1 Corinthians 11:10) has been linked to his awareness of the Watchers tradition of lusting angels (Loader (2008), 342). The key to this tradition, however, is not (as some might expect) the *sex* between angels and humans, but the *result* of the sex:

> In particular, the 'giants' were singled out as bad for two reasons: (1) they were thought to have oppressed human beings and the rest of the created order (vegetation and animal species) to the brink of extinction; and (2) they were half angel and half human and thus embodied within their nature a forbidden mixture of heavenly and earthly spheres which should be kept separate (cf. *1 En.* 15:8–11). Being such an unsanctioned mix, they were 'unclean' creatures without a legitimate place within the created order. (Stuckenbruck (2014), 154)

Thus, the resulting offspring, the Giants, are 'neither fully angelic nor fully human' and 'are called "bastards"' (Stuckenbruck (2000), 364). As this tradition was widely circulated in ancient Judaism, Mary was very probably aware of it and would have believed, as most Jews did, that procreation with spiritual beings – whether angels, demons, *or God* – was forbidden. Indeed, Stuckenbruck goes on to argue that familiarity with this apocalyptic tradition would have motivated Saint Matthew and Saint Luke to clarify that Mary's conception was of the *holy* Spirit:

> The possibility of such a tradition playing a role in the background at early stages of the tradition about Jesus' birth is raised if one recognizes that during the Second Temple period the association between evil angelic beings and unusual circumstances surrounding the birth of a righteous figure did not circulate infrequently. (Stuckenbruck (2014), 155)

Of course, for this to become a problem, Mary must also believe:

(B7) *God is a spiritual being.*

Such a belief was *universally* held among Jews well before, during, and long after Mary's life. Similarly, as monotheists, Mary and her fellow Jews would have believed:

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(B8) *There is only one God existing as a single person, Yahweh.*

There are two reasons to accept that B8 featured in Mary's beliefs. First, the following counterfactual claim is extremely plausible: *If Mary had encountered Trinitarian monotheism, she would have rejected it as incompatible with her Jewish commitments.* Her counterfactual rejection of Trinitarian monotheism implies *some* conceptual grasp of metaphysical monotheism. Second, Mary's upbringing under Roman occupation would have familiarized her with Roman polytheistic religion, thus providing her with a conception of monotheism that rejects the existence of multiple divine persons or gods.[7] Finally, consider two beliefs Mary would probably have held about her child:

(B9) *Any child I bear will be (merely) human/I will not be God's parent.*
(B10) *God has not preordained my child's brutal torture or murder.*

B9 tracks closely with an ancient Jewish conception of God as the Father of Israel, where the 'fatherhood' in question isn't purely metaphorical. Rather, as Marianne Meye Thompson shows, it 'is a literal statement' (Thompson (2000), 41) indicating an ancestral figurehead who promises and delivers an inheritance (*ibid*., 43), disciplines children (*ibid*., 44–45), and commands obedience and honour (*ibid*., 45). The notion of any Jew being God's parent, especially when conceiving God as *their* parent, would have seemed absurd to ancient Jews – Mary among them. As for B10, the angel's language to Mary – 'and he shall reign in the House of Jacob forever, and of his kingdom there shall be no end' (Luke 1:32–33) – seems to preclude the murder of Jesus or his kingdom, probably understood by Mary to refer to a mighty material kingdom without Roman rule. The Davidic Messiah neither dies nor loses the kingdom to unwelcome Gentile occupiers. All B10 claims, then, is that Mary didn't believe God gave her a child *for the (partial) purpose of torturing or murdering the child* later on. She did not believe her child was 'a sacrificial lamb unto the slaughter', to borrow a phrase.

These, then, are the beliefs I say Mary probably held. While claims about Mary's beliefs will remain a speculative element, since we cannot simply look into Mary's mind at the Annunciation, the likelihood that she held these beliefs is not without serious textual, historical, and philosophical backing. In what follows, I make use of B1–B10 to show that Mary held beliefs that, in conjunction with other conditions, rendered her either unable to consent or unable to consent in a sufficiently normatively significant way. In the next section, I argue that B1–B4 can furnish grounds for the conclusion that Mary was *coercively incentivized*, *relatively powerless*, and *morally coerced* into accepting God's offer of impregnation. In a subsequent section, I argue that B8–B10 serve to undermine Mary's *informed* consent. Finally, I consider and reject a recent attempt by Jack Mulder to defend Marian consent by way of the IMMACULATE CONCEPTION.

Coercion

This section explores three ways Mary was coerced by God at the Annunciation: incentivized offers, power differentials, and the leveraging of Mary's moral beliefs.

Incentivized offers

Let's begin with an assumption: God never motivates Mary to accept his offer by threatening her. We all know threats can be coercive, but what about offers? Following Robert Nozick, we can characterize *threats* as things that (if brought about) would make one worse-off and *offers* as things that (if brought about) would make one better-off.

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Under this understanding, it's not immediately apparent how offers could be coercive. But Nozick provides us an example of a coercive offer:

> *Relief*
> Slaveowner regularly beats Slave. One day Slaveowner proposes to spare Slave his regular beating if and only if Slave now does A. (Nozick (1969), 450–451)

Intuitively, Slaveowner's offer to Slave is coercive. As Scott Anderson (2008, 421–422) explains, examples like Nozick's explain why dedicated paternalists, who consistently and accurately pursue the coercee's interests, can coerce. Some object that Slaveowner's offer is coercive *only* relative to the baseline injustice (i.e. the regular beatings) for which Slaveowner is responsible (Zimmerman (1981), 133). However, this claim is false, as the following example shows:

> Rescue
> Slaveowner regularly beats Slave. One day Stranger approaches Slave and offers him safe passage to freedom, but only if Slave pays Stranger a substantial fee.

Stranger isn't responsible for the regular beatings, yet Stranger's offer is still intuitively coercive.[8] So, we can reject responsibility criteria like Zimmerman's as essential to coercive offers. Responsibility aside, need the baseline be unjust? Again, it seems not. Consider

> *Escape*
> Prisoner is justifiably incarcerated with ten years remaining on her sentence. One day Visitor approaches Prisoner and offers her an escape, but only if Prisoner – whom Visitor knows to be a lesbian – has sex with him.

Like Stranger in *Rescue*, Visitor isn't responsible for Prisoner's baseline circumstances. Unlike Slave's baseline circumstances in *Rescue*, however, Prisoner's baseline circumstances are not unjust.[9] Yet Visitor's offer is intuitively coercive. So, we can reject the injustice criteria as essential to coercive offers. Still, perhaps coercive offers must assume a *harmful* baseline. Consider that coercion seems to be absent in the following case:

> *Bugatti*
> Early-bird Lucky rises at 6am and is the first customer at their newly opened mall and encounters a brand-new Bugatti parked in the foyer. Lucky inquires and discovers the Bugatti is a free gift to whoever first enters the mall and 'likes' the mall's Bugatti Facebook page. Lucky wins.

Lucky benefits from winning the Bugatti, but their win is what we might call a *pure benefit*. Lucky is unharmed and their remaining so isn't contingent upon 'liking' the Facebook page or winning the Bugatti. For our purposes, then, we will assume that *escaping harm* is essential to coercive offers. Furthermore, the *degree of harm* from which escape is offered is directly proportional to degree of coercion: Visitor's request that Prisoner say 'thank you' wouldn't be (very) coercive, whereas Visitor's request for one of Visitor's children would be.

The parallels between Mary's case and the above cases are striking. Given B1, Mary believed her child would be the Davidic Messiah, releasing not only Mary but also her people from the yoke of Roman rule. The cruelties perpetrated against Jews during Pompey's conquest were unimaginable, to say nothing of Pompey's destruction of the Temple. Rescue from such cruelties, and from the occupation itself, would have been

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highly incentivizing. In *Rescue*, Stranger's offer to free only Slave is coercive but would arguably be *more* coercive if Stranger had offered to free both Slave, Slave's family, and every slave on the plantation. For Mary, the price is not money (Largent et al. (2012); Grady (2001); Held (1972)), but her impregnation. Were Stranger to ask Slave to bear his child, we would not hesitate to call it coercion of the worst kind. So, we should not hesitate to say the same of God's request of Mary.

One final component remains: Was God's offer *conditional*? In Nozick's original case, as in *Rescue* and *Escape*, the offer is explicitly biconditional: 'If you do X, I will bring about Y, and otherwise not'. There is nothing of which I am aware in either the biblical text or theological traditions that indicates God's offer to Mary was conditional. So, I propose we assume Mary believed God's offer was *not* biconditional. For instance, perhaps Mary believed that if she refused, God would simply ask someone else to bear the Davidic Messiah. Even so, Mary surely realized not everyone could reject God's offer without risking the coming of the Messiah. So, either someone must eventually freely accept, or someone must eventually be forced to accept. So, Mary was faced with a choice either to save her people here and now, leave Israel's fate in another's hands, or risk God forcing another (perhaps even Mary) to bear his child. The latter would surely be unacceptable even to a minimally decent person, much less a person of Mary's profound moral character, and the option to leave Israel's salvation in another's hands is not one Mary would plausibly have preferred. To see why, consider the following case:

> *Endangered*
> Parent's entire family is drowning. Messenger comes along and informs Parent of her options: save your family yourself or wait – perhaps beyond Parent's own lifetime – for someone else to save them.

Even if we assume Mary believed God *would* save Israel *at some point*, we have zero reason to suppose she believed God would do so *immediately* or *during Mary's lifetime*. So, we lack any reason to assume Mary believed her friends and family would be saved, even if future Jews and the nation-state of Israel would. So, Mary (like Parent) lacked any reason to believe that action *on her part* was unnecessary to save their friends and family here and now. So, Mary's action was heavily incentivized with no reassurance of an imminent alternative for bringing about the Davidic Messiah. So, Mary's action was coerced.

Power differentials

A second means of coercion is the leveraging of *differentials in power*. We can begin by recalling the details of Mary's circumstances and their effects on her social power:

> She is female, Jewish, young, unmarried, and a virgin. Later Luke reveals that she is poor (2:23–4). None of these social identities put her on the side of power. Quite to the contrary, she is about as vulnerable as a person could be in the first century, especially as the story unfolds and she is found pregnant before her betrothal became a consummated marriage. (Peeler (2020), 75)[10]

By contrast, God's powers are infinite, unhindered by economic, gendered, or religious constraints. Given B3, B4, and B4*, Mary believes she ought always to obey God's commands, that she should refrain from questioning or arguing with God, and that such questioning or arguing risks divine punishment. Thus, Mary's relationship to God is one of *low bargaining power*, a condition Joan McGregor (1989, 34) characterizes as the weaker party's dependence and the stronger party's ability to cause or prevent harm.[11] And the 'rules

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that restrain or liberate' (*ibid*., 31) one's bargaining power are critical to ascertaining someone's bargaining power. If one is talented at deception but deception is a prohibited advantage, this affects one's bargaining power. In Mary's case, rules that prohibit her from disobeying, questioning, or bargaining with God or expose her to punitive risks are severely constraining.[12] This position of generalized subservience to God is not altogether disanalogous to concerns in the literature about women's sexual consent in the context of a sexist society that renders them subservient to the sexual whims of men. As Jeffrey Gauthier remarks,

> Crucially, consent theory assumes that each party possesses the requisite autonomy to reject the terms of contracts that are not in her best interest. By assuming that all human beings possess freedom and autonomy, however, consent theory ignores the fact that the concrete capacity to act responsibly and in one's self-interest depends critically on having that capacity respected in the institutions and practices of a society. . . . Where institutional respect for the autonomy of members of a particular class is absent, members of that class will find themselves in a double bind when the law expects them to act as if they were simply autonomous. (Gauthier (1999), 73)

With such a legal presumption in place, 'certain types of sexual "offers" may be coercive even when women, under conditions of generalized fear, consent to them' (*ibid*.). The language of 'generalized fear' is relevant to Jewish fear of Yahweh, who bears the power of the sword. Since rape sometimes results in pregnancy, these worries hold for unconsensual pregnancies as well as rape. Gauthier's concerns extend not only to the coercive conditions of a sexist society, but to other social contexts where certain exchanges are coercive in virtue of power differentials and the potential to exploit. As examples, consider examples of sex within the following contexts:

> *Parent–Child Context*
> Parent, aged 30, asks Child, aged 15, for a sexual favour.

> *Professor–Student Context*
> Professor asks Student, who is enrolled in Professor's course, for a sexual favour.

The inability of children to consent is not the *only* operative worry for sex between Parent and Child. Indeed, perhaps a fifteen-year-old *can* consent to sex in some contexts. The deeper problem is that they are unable to consent to sex *with their parent* precisely *because* of the (natural) institutional power of parents over children. Linda Martín Alcoff, for example, argues that children are nevertheless sexually assaulted in cases 'where consent was produced by structural conditions of economic dependency, or was caused by emotional confusion, or was given in an attempt to help or protect others in the family' (Alcoff (2018), 81). Insofar as children assent to parent–child sex because of their economic dependency or a desire to please them, they lack power within the relevant parent–child 'institution'. Commenting on the *Professor–Student Context*, Audrey Yap remarks,

> I argue that power dynamics in these cases can create situations in which professors believe themselves to be in a consensual romantic relationship with a student, but the student perceives the relationship as one they are unable to leave or control. That is, while they might be technically capable of turning down advances – refusals are not being silenced – they might believe (correctly in some cases) that such refusals might have difficult to detect negative effects on their prospective careers. (Yap (2019), 57–58)

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Yap, with partial approval, cites Canadian Criminal Code 1985 according to which 'no consent is obtained where the complainant submits or does not resist by reason of . . . authority' (*ibid*., 56). Thus,

> We can take it for granted, as per the legal definition, that if authority is *exercised* in order to secure agreement to a sexual encounter, then consent is not present. But that this is put in terms of the exercise of authority suggests that some kind of appeal to that authority needs to be present, or some way of making the authority salient to the other party's decision. Institutional power that is simply part of the background context of a relationship does not seem to be authority that is actively exercised. (*ibid*., 57)

On Yap's view of power-over relationships, it's important whether Professor, *qua* Professor, solicits sex from Student. Among the ways of making this salient would be to point out their status as Student's professor when soliciting sex. If they do so, their authority is exercised to secure agreement and thus consent is undermined. Thus, the way power is structured within academic institutions is asymmetric and, where such power (or authority) is invoked, can easily undermine consent.[13] Moreover, as the following context shows, there are some contexts wherein authority is *invariably* exercised:

> *Guard–Inmate Context*
> Guard, who watches over Inmate and has control over her prison life, asks Inmate for a sexual favour.

The Prison Rape Elimination Act (PREA), passed in 2012, as well as the Eighth Amendment of the US Constitution, prohibits prison guards from having sex with inmates. As Megan Coker remarks, '[In] short, the coercive environment of imprisonment and the position of power guards enjoy over inmates suggest inmates cannot really consent to sexual contact with their guards' (Coker (2014), 443, n. 40). The Ninth Circuit partially reaffirmed this judgment in *Wood v. Beauclair*, ruling that inmates are entitled to a *presumption* that their sexual encounters with guards were non-consensual in virtue of power differentials.[14] Insofar as persons are prisoners and guards, there exists a remarkably large power differential between them. Elizabeth Reid, herself a victim of guard rape while at the Washington Corrections Centre for Women, writes about her experience with guards during her work release:

> They became friendly and personal with the inmates. Some flirted with the women. Some made sexual remarks about the women. They would touch you sometimes when they were talking to you – a hand on your shoulder here, a touch on your back there. On the surface, it appeared harmless. But it wasn't. They were still guards, and they still had that power over us. They could send us back to prison. They could send us back to prison with more time. They were just as powerful as cops. And their word was always believed over ours. So a hand on your shoulder was not something you could pull away from, even if you wanted to. (Reid (2013), 2089)

Students can drop courses and professors can enjoy academic leave, but inmates exercise considerably less control. Consider one final context:

> *God–Creature Context*
> God, whom Creature recognizes as all-powerful and the ultimate normative authority, asks Creature for a sexual favour.

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Like the *Guard–Inmate Context*, the *God–Creature Context* is one in which God has absolute power and authority (or at least far more authority than any creature). And God's power over each and every creature is *inescapable*: There is quite literally nowhere in the universe one can evade the reach of God's power and authority. So, God's power over creatures is both inexhaustible and inescapable. At the Annunciation, the angel Gabriel makes clear that God, in his position of ultimate power and authority, 'shall' cause Mary to bear a son named Jesus.[15] By invoking his name, God *exercises* his power; it is not merely a feature of the background relationship between God and Mary. So, on Yap's view, Mary does not consent.

Do power differentials *necessarily* undermine consent? No, they don't. There are several ways in which power differentials are compatible with consent. First, if the disparity in power is *minuscule*, then consent is not likely to be undermined. But the disparity in power between Mary and God is *infinite*, not minuscule. Second, if the disparity in power is *socially localized*, then consent outside that social sphere is not likely to be undermined.[16] God's power over creatures like Mary is *universal*; there are no social spheres in which God's raw metaphysical power is inoperative. Third, if the disparity in power *is itself consensual*, then consent is transparently not undermined. But it makes little sense to think of Mary as 'consenting' to God's power over her, since *an omnipotent God would exist irrespective of Mary's wishes*. And even if we construe Mary as consenting to divine authority over her life, it remains the case that she had no say in the matter since God would have had such authority anyway, recognized or not. Fourth, if the disparity in power is *opaque* to the less powerful party, then consent is not likely to be undermined. But the power disparity between Mary and God is *transparent*, not opaque; she knows from whom the request comes, and she knows his power. Fifth, if the disparity in power is *unexercised* (i.e. is not invoked), then consent is not always undermined. But God's identity, power, and authority are *explicitly exercised* at the Annunciation: an angel miraculously appears in Mary's home, tells her of God's plans, and invokes divine authority. So, none of the typical 'exceptions' to consenting amid power disparities applies to Mary's case.

This leaves one remaining worry: if God *necessarily* has power over creatures, wouldn't *all* divine requests be coercive? I offer three replies. First, even if we assume all divine requests are coercive, this doesn't help defenders of VIRGIN BIRTH. Consider the *Teacher–Student* relationship: every request a teacher makes on school premises is coercive, since teachers retain power to order detention, assign bad grades, and exert other pressure or reward on students who misbehave. Still, we wouldn't take this as *justification* for teachers having sex with students on school premises. Similarly, we shouldn't take this as justification for God reproducing with Mary. Second, if all divine requests are coercive, that's *all the more reason* to exercise restraint and not 'up the ante' (Kushner (2019), 446). Assuming coercion is *pro tanto* impermissible, those in power ought to take every reasonable precaution to *reduce* the extent to which they coerce others, and co-opting a subordinate's womb exacerbates coercion. Third, not all coercion is impermissible: for example, states soliciting taxes, parents requiring children to wear helmets while riding bicycles, etc. In those cases, there is a lesser-evil justification for coercing people. However, there is no such justification in Mary's case, since lesser-evil justifications have an internal necessity condition and impregnating Mary was unnecessary to effect salvation or fulfil Davidic messianic prophecy.

Moral coercion

The third means of coercion is what Terrence McConnell calls *moral blackmailing*, which he characterizes as the leveraging of another's moral beliefs so that, when compliance is

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achieved, the coercee 'is surrendering his moral autonomy' (McConnell (1981), 562).[17] However, this moral phenomenon is more commonly known as *moral coercion*, which Saba Bazargan-Forward characterizes as wronging the coercee 'in that her aim – specifically, her commitment to morality – is being leveraged to serve as a means in furtherance of an unjust end' (Bazargan-Forward (2014), 9).[18]

Already this might make Mary seem *ineligible* for moral coercion on the grounds that even if God leverages Mary's moral commitments to bring about compliance, God's ends are not unjust. But that's false, as moral coercion can occur even when the coercer's ends are not unjust. To see how, consider

> *Manipulation*
> Georgina is late for lunch with her best friend Simone, an aspiring entrepreneur, to discuss plans for Simone's new business. Georgina arrives to find Simone upset by her tardiness and promises to make it up to her. Simone replies, 'If you really, *truly* value our friendship and want to make amends, you will give me $100,000 to start my new business.'

Simone's end isn't unjust because starting a new business is not unjust. What's unjust is Simone's leveraging Georgina's moral commitment to maintaining the friendship to accomplish that end. This demonstrates that moral coercion can be used in furtherance of permissible or even obligatory ends. Such a conclusion should be unsurprising given the ubiquity of minor cases of moral coercion: children leveraging their parents' love to acquire better presents, for example. Thus, the appeal to the *justness* of God's ends is insufficient to eliminate the possibility of moral coercion.

We can now inquire further about the distinctiveness of moral coercion as a moral phenomenon. On Bazargan-Forward's account, it's the *foreclosing of options* that accounts for the coercive force of moral coercion:

> [W]hen C1 morally coerces C2, the aims that are hacked are not merely aims that C2 is *entitled* to have – *i.e.,* procedural commitments – but aims that both C1 and C2 are *obligated* to have – *i.e.,* moral commitments. . . . But if there are decisive reasons for C2 to accede to moral coercion, then by definition she is not morally permitted to refrain. Violating prudential requirements is discretionary in a way that violating moral requirement is not. So even if the psychological pressure associated with both sorts of coercion are equal in severity, moral coercion can trap its victim in a way that non-moral coercion cannot, by foreclosing any moral permission to do other than what C1 wants. (Bazargan-Forward (2014), 9)

The case of *Manipulation* perfectly illustrates what Bazargan-Forward describes: Georgina should be a good friend to Simone and Simone forecloses all but one option to do that, leaving Georgina with no permissible alternative other than abandoning her moral commitment to be a good friend. We can formalize this account as follows:

> MORAL COERCION
> If S consents to agent R's A-ing (or proposing to A) at time t, then R didn't morally foreclose for S all permissible alternatives to A-ing at t.

By asking Mary to bring about the Davidic Messiah (B1), Mary believes she ought to neither prevent nor delay acceptance of God's offer (B2) nor disobey God's commands (B3). Requests from God, much like requests from the IRS, carry the moral force of commands. Even assuming Mary does not view God's offer as a command, Mary nevertheless believes

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that God, *the Creator of the universe and deliverer of Israel*, has chosen her to bear the Messiah. So, the conjunction of God's offer and Mary's beliefs B1–B3 jointly foreclose all permissible alternatives for Mary at the Annunciation.[19]

Thus far, I have addressed only how God's request at the Annunciation leveraged Mary's beliefs supporting *assent* to God's request. I shall now consider how God's request generated a moral conflict for Mary by priming beliefs supporting *dissent*. By generating a moral conflict, God makes it impossible for Mary to act permissibly without jettisoning her moral commitments. To begin, consider the following case from James Rocha:

> *Promotion*
> Hal is Vera's supervisor at a food services company that is expanding into the global market. The company decides to staff its international offices with workers from the US. Hal must send one of his employees either to the new Paris or Bucharest office. Vera, while happy to accept a new foreign assignment with much higher pay, would much prefer Paris. Unfortunately, the company has randomly assigned her to Bucharest. Hal, knowing the content and strength of Vera's preferences, offers to change her to Paris in exchange for sex. If Vera refuses, she will simply be assigned to Bucharest, which has the benefit not only of higher pay, but it also gets her away from Hal. (Rocha (2011), 203–204)

Rocha notes that on some accounts, it should be up to Vera how 'to define her sexual and gendered identity' (*ibid*., 205). However, he thinks an extension of this yields a helpful account of how Hal's offer to Vera is coercive. He claims that autonomy is about *self-legislating standards*, and that most people have 'standards that represent the appropriate uses for, and limits to', their sexuality, including 'which areas of life the agent chooses to incorporate sex into, and those areas she, often actively, excludes it from' (*ibid*., 205–206). If Vera's existing sexuality standards are *incompatible* with using sex to advance her career, then Hal's offer violates her autonomy *by intruding into the decision process itself*:

> Sexual harassment, then, is primarily not about sex, but power. Here it is about the power of a male supervisor to put his influence where he should know it doesn't belong: in the formation of his female employee's sexuality standards. (*ibid*., 211)

Rocha further claims that Hal's sexual offer undermines Vera's autonomy irrespective of what she chooses since he *presupposes* Vera wishes to be treated as a sex object (*ibid*., 212). As a result, Hal treats Vera as a mere object:

> It is immoral for Hal to attempt to combine two spheres of someone else's standards that respect for that person's autonomy would keep separate. Hal attempts to combine the sphere of Vera's sexuality standards with her career standards sphere. This combination attempt – made simply by presenting an offer – treats Vera as a sex object in the business world. (*ibid*., 213)

Hal's offer is not for Vera to be sexually autonomous *and* career autonomous, but rather for Vera to become *his* sex object. By treating Vera this way with his presumptuous offer, Hal is being coercive and renders Vera's consent to his *actual* offer impossible. Accepting the former offer entails an (partial) abdication of autonomy; the latter is impossible as it is not being offered.

Rocha's account of sexual harassment offers is easily adapted to impregnation. The same reasonable presumption against impregnation-as-a-means-to-career-advancement exists widely in the workplace. Were Hal to make Vera's reassignment to Paris conditional

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on her agreeing to be asexually impregnated by Hal, this would show similar disrespect for her autonomy, treating her as a mere 'workplace womb' rather than a co-parent and co-equal, autonomous co-worker. With the exception of relationships in which reproduction resides in the same 'standard sphere', offers that presuppose a willingness to procreate violate autonomy.

Like Vera, Mary has a self-formed moral identity. Her commitments include sexual and reproductive fidelity to Joseph (B5) and strong opposition to procreating with spiritual beings (B6), of whom God is one (B7). Yet God's offer to impregnate Mary asks her to *violate* these commitments: to be unfaithful to Joseph or to mix human and spiritual seed, generating a 'bastard' like the Nephilim-produced Giants of old. So, *as the moral agent she is*, Mary cannot comply with God's request (cf. Mason (2012)). Nor can she reject it, however, as she is committed to obeying God's commands (B3) and neither delaying nor preventing the arrival of the Davidic Messiah (B2). Mary can either abandon her integrity or abandon significant parts of her self-made moral agency. And her doing so is obligatory.

Deception/non-disclosure

This section explores two recent accounts by Tom Dougherty and Jennifer Matey of how deception or non-disclosure can impact informed consent. I also defend my own account. Before diving in, however, I shall explain the *relevance* of informed consent, and particularly of deception and non-disclosure, to impregnation. Defending the relevance of deception and non-disclosure is especially important because the accounts below focus principally on sex whereas Mary's impregnation was asexual.

There are at least three reasons to accept the relevance of informed consent to asexual impregnation. First, the mainstream view of *sexual consent* holds that consent to sex is morally important because persons have bodily rights and, in particular, a right to control what is done *in* or *to* their bodies by other agents (Thomson (1971); Varden (2012); Douglas (2014)). Pregnancy, however it is caused by other agents, is something done in and to the gestator's body, and so consent is morally important under the mainstream view. Second, it's intuitive that fertility specialists and others need the consent of persons prior to impregnating them asexually via IVF or IUD (Lorber (1989); Carroll & Waldby (2012); Zemyarska (2019)), and God's miraculous impregnation of Mary seems morally indistinct from IVF or IUD (Crisp (2008)). Third, we should recognize that insertions of sperm into another person's body, while not a *sexually* intimate physical relationship, *is* nevertheless an instance of an intimate physical relationship, and one that requires the other's consent.

Dougherty's deal-breaker account

Tom Dougherty defends the view that consent to sex is undermined in cases where assent to sex is predicated on deception. He offers the following case as an example:

> *Hippie Sex*
> . . . suppose that Chloe meets a hippie, Victoria, on a night out. Victoria makes it clear that she wants to have sex only with someone who shares her love of nature and peace. Consequently, Chloe falsely claims to have spent time in a war zone as a humanitarian, when in fact she was there on military service. When Victoria asks whether she likes animals, Chloe omits the truth – 'only to eat or to hunt' – and pretends to love petting them and watching them in the wild. As a result of this deception, the two spend a night together. My claim is that Victoria did not validly consent to sex with Chloe. (Dougherty (2013), 728)

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He then offers his analysis:

> On this view, someone does not validly consent to a sexual encounter when deceived about its 'core' features, such as the interaction's not being a genuine medical procedure or the other person's not being one's usual romantic partner. When someone is misled about these core features, then her will is not sufficiently implicated in the act for it to be consensual. But on the other hand, someone may validly consent even when misled about the encounter's peripheral features, such as the other person's natural hair colour, occupation, or romantic intentions. (*ibid*., 728–729)

Consent matters at least as much for pregnancy as for sex. Thus, if God deceives Mary in order to secure her assent to pregnancy, then Mary's ability to consent is undermined. Let's assume that God never *deceives* Mary in the sense that he never misleads her about anything. He does not, for example, tell Mary that her child will live forever or conquer Rome. Nevertheless, God *does* appear to *conceal*, or *fail to disclose*, certain facts to Mary that contradict her beliefs: that her son will be divine (B9), would raise people from the dead, and would later be captured, brutally tortured, crucified, and raised from the dead himself (B10), only to leave her at a young age. Does concealment undermine consent on Dougherty's view?

> This touches on an important issue that is linked to our main topic of deception: concealment. This raises the question of what duties people have to inform their sexual partners about themselves to avoid false beliefs about deal breakers. But this question is a nuanced one. Toward the goal of mutually consensual sex, some epistemic labour may be required on both sides. If someone has a highly idiosyncratic sexual preference – say, he only wants to sleep with people whose star sign is Pisces – then it may be his responsibility to disclose this preference, rather than his partner's responsibility to inquire into whether he has this preference. (*ibid*., 741, fn. 52)

A mother as morally upstanding as Mary would surely want the best life for her child, which she would probably believe precludes being captured, brutally tortured, and crucified (even if he is later raised from the dead). It would also be of critical importance to her, as it is most parents, that her child outlives her. Relatedly, the short life of her son, as well as its apparently miserable end, would have had a profoundly negative impact on Mary's mental health. On the plausible assumption that these desires are sufficiently important to Mary that she would have refused God's offer or would have expressed a desire to consider the offer further, then Mary is insufficiently informed about the 'core' features of her pregnancy and therefore didn't consent to them.[20]

For argument's sake, let's assume that although these facts matter greatly to Mary, she would assent to pregnancy *even if* God had disclosed them to her. Suppose also that God knows this counterfactual. Does it follow that God's non-disclosure, since it wouldn't have changed the outcome anyway, doesn't undermine Mary's consent? In that case, such facts would not be *deal-breakers* in Dougherty's sense and would therefore not undermine consent (*ibid*., 740). Thus, under the assumption that these revelations wouldn't have changed Mary's choice to accept God's offer, her consent is not undermined on Dougherty's account. However, Dougherty's commitment to what I call DEAL-BREAKER is ruinous to his account. Here's how I understand that principle:

> DEAL-BREAKER
> If S makes offer O to person S* at time *t*, S* accepts O at *t*, S conceals fact F from S* at *t*, and the disclosure of F at *t* wouldn't have changed S*'s choice to accept O at *t*, then S* consented to O at *t*.

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Hallie Liberto differs with Dougherty and argues that deception rarely undermines consent, but argues that it does in certain cases:

> Appealing to the standards of informed consent for research subjects for guidance in the sexual realm will get us the result that *at least* the following topics of deceit undermine sexual consent: deceit about sexually transmitted diseases and infections; deceit about the number of sexual partners one has had in the past and the methods of protection against STDs and STIs used in those encounters; deceit about the use of birth control; deceit about one's intentions regarding the length or nature of the relationship; and deceit about whether the sexual encounter is being recorded using an audio or visual recording device. (Liberto (2017), 139)

Liberto adds that, within bioethics, 'research subjects must be informed if their material will be used in a particular way' (*ibid*.; cf. Elton (2020)). Liberto is unclear which of these is important to *disclose* to achieve informed consent, but failure to disclose some of them, like failing to disclose an STD or whether one is recording the sex, would undermine consent. Thus, for Liberto, the non-disclosure of certain facts can undermine informed consent. To see why, consider the following case:

> *Morning Confession*
> Ken, who knows he has an STD, solicits sex from Sadiq but consciously fails to disclose his STD to Sadiq, who agrees to have sex with Ken. The next morning, Ken informs Sadiq that he has an STD. Sadiq is surprised but says, 'Had I known that, I would have had sex with you anyway.'

Did Sadiq consent to sex with Ken prior to having sex? No, because Ken's non-disclosure of his STD is *reasonably relevant* to Sadiq's decision to have sex with Ken. This is true even if Ken *would have* consented had Ken disclosed the STD.[21] To think of this another way, ask whether Sadiq would be in his *moral* rights to make the following complaint to Ken: 'Although I would have had sex with you anyway, you wronged me by not revealing that fact to me prior to having sex.' It seems Ken is morally liable to such correction, as well as further legal admonishment and punishment. Perhaps we should say that Sadiq waives his right to legal action, but not to the sex – to punishing or pursuing reparations the act, but not the act itself.[22] Thus, DEAL-BREAKER is false. For those inclined to resist this conclusion, consider a further case:

> *Unconscious Sex*
> Neveah finds her roommate Susan passed out drunk in their apartment. Neveah wants to have sex with Susan but can't ask Susan, as Susan is unconscious. However, Neveah is psychic and knows that if she has sex with Susan now, while Susan is unconscious, then Susan will later find out about it and will say to Neveah, 'I realize I was unconscious, but I would have had sex with you had I been fully conscious, alert, and rational. So, I don't object to your actions.'

It's *very* implausible to say that Neveah had consensual sex with Susan. Otherwise, there would be no consent-based objection to having sex with people who don't *now* consent but *will* later. But there is. The only difference between this case and *Morning Confession* is that Sadiq was conscious and verbally assented to Ken's offer of sex. However, in that case, it's the counterfactual doing all the consensual work on Dougherty's account: if Sadiq *wouldn't* have had sex with Ken had he known about Ken's STD, their sex wouldn't have been consensual on Dougherty's account. And the same counterfactual does all the consensual

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work in *Unconscious Sex*. Thus, if sex in the latter case is non-consensual, so is sex in the former. Consider one more example:

> *Secret Recording*
> Isabella proposes sex to Theodore, which he accepts. Unbeknownst to Theodore, Isabella secretly videotapes their sexual encounter. The next morning, Theodore discovers the videotape and asks Isabella whether she taped them having sex. Isabella confesses she did. Theodore briefly pauses and then says, 'That's fine with me. I would have taped us too!'

Did Theodore consent to his sexual encounter with Isabella? If he did, it was only after they had sex, which is too late for him to have provided *sufficiently informed* consent to being videotaped at the time of the taping. The standard view of informed consent is that it must occur *prior to* what's consented to, not after. Otherwise, virtually any treatment done to anyone would be consensual provided one knew they would provide informed consent after the fact. Thus, the DEAL-BREAKER is false. Instead, I propose the following principle:

> REASONABLE RELEVANCE
> If S makes offer O to person S* at time *t*, S* accepts O at *t*, S conceals some fact F from S* at *t*, and F is reasonably relevant or important to accepting (or deliberating about accepting O), then S* didn't consent to O at *t*.

This explains our intuitions about *Morning Confession*, *Unconscious Sex*, and *Secret Recording*. Sex that risks contracting an STD, unconscious sex, and secretly recorded sex are all things persons can reasonably reject. Thus, their disclosure is reasonably relevant to sufficiently informed consent.

Matey's moral character account

Jennifer Matey's (forthcoming) account problematizes non-disclosure and further illustrates the explanatory importance of REASONABLE RELEVANCE:

> What I am proposing isn't so different from the principle of informed consent that is already widely accepted in medical ethics. If a doctor recommends a medical procedure to a patient but prevents them from knowing about potential bad outcomes, the patient's consent to the procedure is not valid. *And this is true regardless of whether or not their consent would have depended in a counterfactual sense on that information.* (Matey (forthcoming), 17, emphasis mine)

On Matey's view, deception or non-disclosure of 'morally valanced character traits – the kinds of traits that we think of as virtues and vices, play an important role in how people understand the people they give consent to' and that consent is morally significant because 'it facilitates a person's ability to live the sort of life they intend and desire' (*ibid*., 19). Thus, on Matey's account, the *mere disclosure* of these facts is critical to ensure consent.[23] And it's not hard to see why. Lacking knowledge about your partner's important character traits, as well as lacking knowledge about what their core intentions are regarding sexual intercourse (which speaks to their character), effectively conceals both *who* your sexual partner is and *what* they want. Facts about one's moral character, as well as the morality of one's intentions for sex and the relationship in which sex (or reproduction) occurs, are a subset of facts that are reasonably relevant to one's decision

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to accept offers of sex, relationships, reproduction, and the like. Thus, REASONABLE RELEVANCE can accommodate Matey's account under a broader principle of sufficiently informed consent.

Does God fail to disclose morally valanced character traits to Mary prior to impregnating her? Recall Mary's beliefs that her child would be (merely) human (B9), that she will not be God's parent (B9), that God exists as a single person (B8), and that God had not preordained her child's brutal torture or murder (B10). By all appearances, God never discloses to Mary that these beliefs are false. God never informs Mary that her child will be divine, entailing that her child is *not* merely human and that she *is* God's parent. God never informs Mary about his triune nature, which Christians (but not Muslims) maintain is central to understanding God's moral nature and purpose. And God never informs Mary that the intended destiny of her foetus, Jesus, is to be brutally tortured and murdered – indeed, before her very eyes. A pre-existing willingness and intention to sacrifice one's child is a significant aspect of someone's character, much as Abraham's willingness to sacrifice Isaac was. Were a medical researcher to harvest embryos from a research subject *without* informing the subject of their intention to grow an adult human and then sacrifice her, we would hardly say the research subject consented despite lacking this information. On Matey's view and under REASONABLE RELEVANCE, failure to disclose such facts undermines Mary's informed consent even if Mary would have accepted had she known them. So, withholding the morally relevant details about himself and his plan quiet, God undermines Mary's informed consent.

Immaculate Conception?

Before concluding, I shall consider a recent attempt to secure VIRGIN CONSENT by Jack Mulder (2018, 2014, 2012).[24] To make his case, Mulder invokes the Catholic doctrine of the Virgin Mary's IMMACULATE CONCEPTION. Here's how I understand Mulder's thesis:

> IMMACULATE CONCEPTION
> God miraculously preserved the Virgin Mary from the scourge of Original Sin, preventing disordered desires/inclinations and ensuring she cannot be frightened into action by God.

According to Mulder, 'since God is a person's blessedness, the enhancing of freedom just is an increasing openness to God' (Mulder (2012), 131). Original Sin, Mulder claims, *distorts* our desires by misaligning them with the Right and the Good, and 'if one were to enhance freedom, one would hardly introduce disordered inclinations into a person's soul so as to distort her real preferences' (*ibid*.).[25] So, the prevention of these disordered inclinations for Mary would be 'fitting in the extreme' (*ibid*.).[26]

Among the prevented disordered inclinations is what Michael J. Murray terms *wantonness*: that is, 'a characteristic of the individual threatened to disregard personal well-being in the face of threats to his freedom' (Murray (1993), 31). Murray continues to claim that divine hiddenness is necessary for morally significant freedom (*ibid*., 34). Mulder adapts this by arguing that although God is hardly hidden from Mary, the preservation of Mary from Original Sin and concupiscence entails that 'she cannot be frightened into action by God' (Mulder (2012), 132). So, she cannot be coerced by God. So, her consent is unimpeded.[27]

Mulder's assumption that *psychological pressure* must accompany a request to render the threat coercive is false. As Scott Anderson (2010, 24–25) notes, the state's institution of minimal parking fines rarely causes psychological pressure to parkers but is nevertheless a token of the state's coercive power. Nor must coercion involve a *threat*: a parent's request

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that their young child have sex with them that leverages the relationship – for example, 'If you love me, you will touch me' – involves no threat but is nevertheless coercive. Nozick's *Slave* case is another example of coercion *sans* threat: 'If you do X, I will refrain from beating you.' The same is true of my modified version of the *Slave* case: 'If you do pay me a substantial fee, I will rescue you from being beaten by your master.' Moreover, Mulder's assumption that psychological pressure is necessarily removed by the prevention of Original Sin is also false: those without Original Sin will have rightly ordered preferences and thus be *ever more* motivated by the Right and the Good. This pressure, at least when conjoined with the coercer radically truncating morally permissible courses of action, is sufficient for moral coercion.

Finally, I have some reservations about the compatibility of the IMMACULATE CONCEPTION and VIRGIN CONSENT. To my knowledge, nothing about the IMMACULATE CONCEPTION inhibits Mary from being able to *reject* God's offer of impregnation. That is, she can still do otherwise.[28] But that alone is insufficient for libertarian freedom, much less libertarian-free consent. To see why, consider the following example from Jerry Walls:

> Imagine a preschool that is run by a woman who is psychologically savvy, and deliberately does various things to condition the children, unknown to their parents. Some of the children she conditions to grow up and behave as virtuous persons typically do, and to live productive lives. Others, she conditions to behave in a perverse manner, some of whom even become rapists or child molesters themselves. Let us assume she completely succeeds in her project and each of the children turns out just as she intends. (Walls (2011), 86)

Walls asks whether it would be morally appropriate to hold these former children, who are now adults, responsible for the persons they become. He answers 'no' and posits the following explanatory principle:

> PERMISSIBLE PUNISHMENT
> When the actions of a person are entirely determined by another intelligent being who intentionally determines (manipulates) the person to act exactly as the other being wishes, then the person cannot rightly be held accountable and punished for his actions. (*ibid*., 87)
> I am inclined to think something like this principle holds for any morally significant actions, whether those actions are positive or negative. A person who is manipulated in this fashion should no more deserve moral credit for doing good than he should be blamed for doing evil. (*ibid*.)

Let's consider a revised version of Walls' PERMISSIBLE PUNISHMENT principle to cover cases in which those like the manipulative preschool teacher don't *determine* but nevertheless *strongly influence* the outcome of an agent's actions:

> PROPORTIONAL PUNISHMENT
> When the actions of a person are disproportionately influenced by another intelligent being who intentionally influences (manipulates) the person to act exactly as the other being wishes, then the person cannot rightly be held *as* accountable or punished *in equal severity* for their actions.

Returning to Walls' preschool case, PROPORTIONAL PUNISHMENT allows us to say that while the now-adults *can* be rightly held accountable or punished for their actions, they *cannot* rightly be held *as* accountable or punished *as harshly* as the preschool teacher. Thus, it

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would be wrong to assign, say, 80% of the blame (or the punishment) to the former students and only 20% to the preschool teacher. As a principle, PROPORTIONAL PUNISHMENT is very plausible, and it carries implications beyond equitable distributions of blame or praise. A similar claim can be made about the distribution of consent:

> PROPORTIONAL CONSENT
> When the actions of a person are disproportionately influenced by another intelligent being who intentionally influences (manipulates) the person to act exactly as the other being wishes, then the person cannot rightly be viewed as contributing a proportionate share of the normatively significant aspects of consent.

As with blameworthiness, Walls' former preschoolers can perhaps be said to contribute *some* normatively significant consent to their actions. But the preschool teacher contributes *far* more. Indeed, without assuming PC (or a relevantly similar principle), it's difficult to see why justice would require (or even permit) holding the former preschoolers *less* responsible than the preschool teacher. Thus, it would be wrong to assign, say, 80% of the normatively significant aspects of consent to the former preschoolers and only 20% to the preschool teacher. The teacher bears not only a disproportionate share of the blame or credit, but likewise a disproportionate share of normatively significant consent.

God, like Walls' imaginary preschool teacher, is *very* psychologically savvy. By preventing the stain of Original Sin and inhibiting the desires that typically accompany it, and with the express purpose of acquiring Mary's cooperation, God metaphysically 'conditions' Mary to become the sort of individual who will allow him to impregnate her. The catch is Walls' language in PP: the actions of a person are *entirely* determined by another intelligent being. As Mary maintains her ability to do otherwise, God does not entirely determine her actions. Is this sufficient to make Mary's case disanalogous to Walls' preschool-manipulated adults? My intuition is that it doesn't, and for two reasons.

First, if this were a difference-maker, we would be forced to conclude that it *would* be appropriate to hold the preschool-manipulated adults responsible provided they had the ability to do otherwise. But that seems implausible.

Second, supposing it were sufficient for Mary's consent, it falls well shy of the threshold for *normatively significant* consent. On my view, morality requires not only that sexual or reproductive partners consent, but *that they consent to roughly the same (normative) extent*. Even if Mary consents to be impregnated by God, her consent is less normatively robust than God's, since God bears more *causal* responsibility for the facts that (a) Mary desires to P, (b) Mary's desire that P is uninhibited by Original Sin, and (c) Mary chooses to P. Even supposing Mary is the principal or sole cause of choosing to P, and perhaps even somewhat responsible for maintaining her desire to P, God remains *more* responsible. So, when Mary consents, her consent is causally and thus morally inegalitarian; God is the primary influence behind Mary's decision, not Mary. By implication, Mary's consent is, to a non-trivial extent, *normatively weaker* than God's: whereas the normative scope of God's consent for Mary to receive his seed is exhaustive, the normative scope of Mary's consent to receive God's seed isn't. But normatively weaker consent is the moral equivalent of *partial non-consent*, which is wrong.

Conclusion

The conjunction of VIRGIN BIRTH, VIRGIN CONSENT, and DIVINE GOODNESS are jointly inconsistent. Among the principal causes for undermined consent are coercion and insufficiently informed consent. First, I argued that FREEDOM isn't satisfied in Mary's case because God offers improved conditions, manipulates her desires, exercises his (non-consensual)

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power and authority advantage, and morally coerces Mary. Second, I argued that INFORMED isn't satisfied because God fails to disclose reasonably relevant facts about his reproductive intentions and his moral character. Third, I argued that Mary's promise of fidelity to Joseph entail that his consent was necessary for God's impregnation of Mary to be adequately consensual. So, VIRGIN CONSENT is false. So, if DIVINE GOODNESS is true, VIRGIN BIRTH is false.

I would caution sceptical readers against being too sceptical. We have learned in recent years that the Church has concealed, harboured, and reassigned paedophile clergy. We know many of these priests invoked divine authority to rape, groom, and manipulate adolescents. Minimally, this should prompt us to rethink an uncritical acceptance of the Annunciation in which a teenage girl is impregnated by God. We must take seriously the possibility that we are reaping what we have sown.

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Notes

1. Jenkins Ichikawa (2020) claims consent to sex is morally necessary *only* in cases where there's a *request* for sex. However, his alternative proposal doesn't make matters easier for VIRGIN CONSENT, since God requests Mary's cooperation. Moreover, I don't assume consent is *sufficient* for morally permissible sex or impregnation. For more on the insufficiency of consent, see Woodard (forthcoming) and Cahill (2016).
2. Murphy (2017) denies God's *moral* goodness and hold that God lacks moral obligations. However, Murphy's view should be viewed more as a barrier to VIRGIN CONSENT than DIVINE GOODNESS.
3. Cf. Mulder (2018), 283.
4. See Dempsey (2021), 349.
5. Michelle Panchuk (in correspondence) notes a *gender disparity* in the treatment of Miriam and Aaron: both commit the same crime, but only Miriam is punished with leprosy. If Mary perceived this story as involving a conspicuous gender disparity, she would have had even stronger precedent to believe that she, *as a woman*, should not question God.
6. Mary's pledge of fidelity was probably made to her parents and not to Joseph (Satlow (2006), 618). However, this makes little difference to my argument. First, if Mary *consensually* pledged fidelity to her parents, her promise remains morally binding. Second, if Mary *didn't* consent to wed Joseph, God's efforts to maintain their engagement (i.e. by reassuring Joseph in a dream) was impermissible. Jane Schaberg claims that Mary's conception of Jesus was the result of rape. If so, then it might seem less unclear that God wronged her by stabilizing her engagement to Joseph. There are two problems with this: (1) stabilizing a non-consensual engagement for a recently raped teenage girl compounds the harm of the rape and (2) Schaberg's claim is incompatible with orthodox interpretations of VIRGIN BIRTH.
7. For Mary to believe monotheism is logically compatible with the existence of multiple divine persons who would require some hefty conceptual work on Mary's part. Thus, my view assumes *less* conceptual complexity on Mary's part, whereas those who deny Mary believed B8 are committed to *far more* conceptual complexity.
8. Cf. Garnett's (2018, 549) organ sale case in which *B* is in extreme poverty and *A* (who bears no direct responsibility for *B*'s poverty) offers *B* the below-market price of $1,000 for *B*'s kidneys. Here, *B*'s economic desperation leaves *B* in little position to refuse.
9. Cf. McMillan (2014), Ryberg and Petersen (2014), and Shaw (2019), who argue that prisoners offered early release contingent upon surgical or chemical castration are coerced by those offers.
10. Dempsey (2021, 352–353) contends that if ancient societies regarded younger women (e.g. sixteen-year-olds) as possessing sufficient maturity to consent to sex, then sex between older men and younger women may have been objectively permissible in ancient societies even if objectively impermissible today.
11. Cf. O'Neill (1991), 191–192.
12. Cf. McGregor (2005). See also Hui (2011), Klitzman (2013), McMillan (2014), Kongsholm and Kappel (2017), 437–438, Asirvatham (2018), and Haire *et al.* (2018).

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13. Cf. Srinivasan (2020), who locates the ethical problem not in power differentials but in pedagogical and patriarchal failure on Professor's part. The same plausibly holds for *patriarchal* failures on God's part, as ancient Judaism was a patriarchal religion in which women were voiceless.
14. Cf. Penland (2015), 527–529 for more on the role of sexual consent prisons.
15. Ann Cahill characterizes sexual assault as cases in which 'the only salient factors are the assailant's desires and intentions', which (to use Cahill's language) eclipse the victim's subjectivity, leaving them unable to 'affect the interaction' (Cahill (2014), 315. Something similar might be said about cases in which the victim's desires and attentions receive non-zero weight but are considered far less important than the perpetrator's desires and intentions. Under such an extension, God's apparent prioritization of his own intentions and desires over Mary's (who presumably desired and intended to be faithful to Joseph, per B5) might qualify as an instance of asexual, reproductive assault on Cahill's view. However, I lack the space to explore this possibility here.
16. Cf. 18 U.S. Code § 607(a)(1) ('Place of Solicitation'), which prohibits federal, state, and local elected officials from soliciting political contributions 'from a person who is located in a room or building occupied in the discharge of official duties'. The express worry of this provision is that *places* of power might themselves coerce.
17. Frowe (2021) defends the view that moral coercion doesn't bear on the voluntariness of the coercee's action any more than moral obligation does generally. That's consistent with the view, defended here, that moral coercion *does* negate voluntariness and thus consent.
18. Cf. O'Neill (1991), 185–189.
19. Cf. Murray (1993), 30. David Estlund (2008) advocates what he calls *normative consent*: the view that persons can acquire moral obligations in cases where, were they given the chance to consent to the obligation, they ought to consent to it. However, Estlund's view concerns pre-existing obligations and not moral coercion. Saunders (2010) uses Estlund's normative consent to defend an opt-out organ donation public policy. For replies to Estlund, see Koltonski (2013), Manson (2013), and Frank (2016). For a reply to Saunders, see Potts et al. (2010).
20. Kongsholm and Kappel (2017) defend a *trust-based* view of consent on which consent is possible *sans* information about the proposed action, noting that patients often consent to medical procedures on the basis of trust in their physician rather than the information the physician provides. Perhaps Mary simply trusted God to do what's best. However, Kongsholm and Kappel's proposal implies that consent is present in cases like *Morning Confession*, *Unconscious Sex*, and *Secret Recording* below provided Sadiq, Susan, and Theodore trust their sexual partners. Moreover, Kongsholm and Kappel are explicit that trust-based consent is incompatible with coercion, manipulation, and exploitation.
21. Chwang (2009) defends a view of *subsequent consent* (or *retroactive consent*) that he believes can justify past actions for which there was no prior consent. However, cases like *Morning Confession* and *Unconscious Sex* provide powerful (if not decisive) evidence to reject Chwang's view.
22. Chwang claims that waiving one's right to press charges or demand compensation is 'all we require for prior consent' (Chwang (2009), 121). However, the mere fact that a person declines to press charges against some infringement of their legal rights hardly implies that they *consented* to such infringement: Amish pacifists refuse to violently defend themselves yet don't consent to being killed. One can waive one's derivative right to enforce one's non-derivative right without thereby waiving one's non-derivative right.
23. Matey's concern is with *informed consent*, but she is clear that consent is absent without informed consent.
24. I am grateful to Jack Mulder, Michelle Panchuk, and Kevin Timpe for discussions on Mulder's argument.
25. Cf. Rea (2007) on Original Sin.
26. Does the prevention/removal of Original Sin ensure right *reasoning*? The mere absence of disordered desires or inclinations does not itself ensure the absence of bad reasoning unless we assume bad reasoning is a 'disordered inclination'. Nevertheless, it's compatible with it. If the absence of Original Sin entails that Mary was incapable of making *rational errors*, then well-known problems emerge. Talbott (2020, 383) claims that minimal rationality is essential to libertarian freedom and that fully informed creatures are incapable of rejecting God or God's plans in even a minimally rational way. Craig (1991, 300) concurs that sufficiently stunning divine revelations can remove the freedom to (rationally) disobey. So, if the removal of Original Sin causes Mary to be fully informed, and if minimal rationality is a necessary condition for libertarian freedom, then Mary is not free to reject God's offer. Furthermore, if Mary *believes* God is omniscient and has an unsurpassably good plan, she will also (presumably) believe there exists no good reason to reject God's offer. Murray (1993, 30) worries that this would chip away at the '*deliberative* or *reasoned* exercise of freedom' and inhibits autonomy. For more on the 'rational freedom' debate, see Reitan (2007).
27. Cf. Skrzypek (2020), 239–331 for concerns about Marian freedom and causal time loops.
28. Cf. Pawl and Timpe (2009), 410: '[W]e think it better to say that our moral characters, and the reasons we see for acting in various ways as a result of those characters, don't *determine* all the actions we *do* perform, but they do *preclude* those actions we *cannot* perform.' Mary, like the beatified saints of Heaven, lacks Original Sin and thus possesses a will and a character in total harmony with God's. So, her character precludes actions she cannot

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perform, such as rejecting divine offers. That's restrictive in cases where the choice is binary: accept or reject, yea or nay. In such a case, we can say Mary lacks the ability to do otherwise.

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