

8-2015

# Philosophers On Prostitution's Decriminalization

Rebecca Whisnant

University of Dayton, [rwhisnant1@udayton.edu](mailto:rwhisnant1@udayton.edu)

Follow this and additional works at: [http://ecommons.udayton.edu/phl\\_fac\\_pub](http://ecommons.udayton.edu/phl_fac_pub)



Part of the [History of Philosophy Commons](#)

---

## eCommons Citation

Whisnant, Rebecca, "Philosophers On Prostitution's Decriminalization" (2015). *Philosophy Faculty Publications*. Paper 85.  
[http://ecommons.udayton.edu/phl\\_fac\\_pub/85](http://ecommons.udayton.edu/phl_fac_pub/85)

This Response or Comment is brought to you for free and open access by the Department of Philosophy at eCommons. It has been accepted for inclusion in Philosophy Faculty Publications by an authorized administrator of eCommons. For more information, please contact [frice1@udayton.edu](mailto:frice1@udayton.edu), [mschlangen1@udayton.edu](mailto:mschlangen1@udayton.edu).

# Philosophers On Prostitution's Decriminalization

By [Justin W...](#) August 13, 2015 at 1:20 pm 106

This past Tuesday, [Amnesty International](#) representatives from 60 countries voted on which stance the influential non-governmental organization should take regarding the legal status of prostitution, ultimately deciding to support its full decriminalization, including both the selling and buying of sex.

The position is highly controversial—particularly the decriminalization of buying sex—and [Amnesty's draft statement of it](#) is diplomatically vague. But sources inform me that the policy is in fact a statement in support of “full decriminalization,” including buying, as [The New York Times](#) reports, and as Amnesty's [FAQ page](#) about the policy suggests.

There was much debate about the policy leading up to the vote (with [a number of Hollywood actresses opposing it](#), for example), and it remains divisive. The *Times* reports:

*The proposal split human rights activists. Amnesty chapters in Sweden and France pressed the group to support a so-called Swedish or Nordic model, now followed in several Scandinavian countries, that spares prostitutes from penalties but sanctions the buyers with heavy fines and prison terms. Lawmakers in France are pushing new legislation to punish buyers that most likely will be voted on in the fall. After the vote, the Coalition for the Abolition of Prostitution, a French organization, vowed that it*

would no longer work with Amnesty International.

Yet, Amnesty [says](#):

*The research and consultation carried out in the development of this policy in the past two years concluded that this was the best way to defend sex workers' human rights and lessen the risk of abuse and violations they face.*

And the [Christian Science Monitor](#) reports:

*Amnesty said its policy is based on what is known in public health policy as the harm reduction principle: the idea that you can't stop people from taking part in a dangerous activity, but you can make it safer.*

The decriminalization of sex work is currently being discussed around the world. I invited a number of philosophers to join this public discussion here, with brief contributions that clarify some of its central issues and disputes. They are (in alphabetical order): [Peter de Marneffe](#) (Arizona State), [Dan Demetriou](#) (Univ. of Minnesota, Morris), [Brian D. Earp](#) (Oxford), [Lisa Fuller](#) (Albany), [Jeffrey Gauthier](#) (Univ. of Portland), [Carol Hay](#) (Univ. of Massachusetts, Lowell), [Patricia Marino](#) (Waterloo), [Philip Pettit](#) (Princeton), and [Rebecca Whisnant](#) (Univ. of Dayton). I am grateful to them for participating on such short notice.

The idea of the "[Philosophers On](#)" series is to prompt further discussion among philosophers about issues and events of current public interest, and also to explore the ways in which philosophers can add, with their characteristically insightful and careful modes of thinking, to the public conversation. Others are, of course, welcome to join in. Additionally, if you come across particularly valuable relevant philosophical commentary elsewhere, please provide a link in the comments.

(image: modified versions of "[Woman with Raised Arm](#)" and "[Man Sitting](#)" by Carly Ashdown)

---

### **[Peter de Marneffe](#):**

According to the [New York Times](#), Amnesty International voted on August 11, 2015 "to support a policy that calls for decriminalization of the sex trade, including prostitution, payment for sex and brothel ownership." Because nothing is actually mentioned in [the posted Amnesty International resolution](#) about decriminalizing payment for sex or brothel ownership, the *Times* report is puzzling. As the *Times* also reported in this article, the decriminalization of prostitution has split human rights activists into two camps: those who endorse the "Nordic model," now in effect in Sweden and Norway, which decriminalizes the sale of sex but not the purchase of sex or brothel ownership, and those who support "full decriminalization," the decriminalization of purchase and brothel ownership as well as the decriminalization of individual sale. In this light it is striking that the document posted by Amnesty does not explicitly go beyond the Nordic model. Instead it refers vaguely to "the highest possible protection of the human rights of sex workers, through measures that include the decriminalisation of sex work." Okay . . . but what else does it include? Given the sharp disagreement on precisely this question, the Amnesty resolution is not a model of intellectual clarity or candor, but perhaps the vague language was necessary to get the votes needed to pass it.

Whatever political reasons there might have been for the vague wording, analytical clarity is nonetheless important. Three different questions about prostitution laws should be distinguished. First, should the sale of sex be decriminalized? Second, should the purchase of sex be decriminalized? Third, should the operation of a sex business such as a brothel be decriminalized. The answer to all three questions might be yes, or it might be no, or it might be yes to some, and no to others. Although it is sometimes said that is "inconsistent" or "illogical" or "absurd" to support decriminalization of sale while supporting the criminalization of purchase, these charges should strike anyone who has taken a first-year logic class as confused. But the confusion is not simply a failure of logic. It is also a failure to appreciate the possible grounds for these positions.

Here is an argument for decriminalizing sale but not purchase: Each of us has a right to control our own minds and bodies. Because laws that criminalize the sale of sex violate this right, the sale of sex should be decriminalized. It doesn't follow that the purchase of sex or brothel ownership should be decriminalized. The right to control one's own body involves being at liberty to consent to sex with someone, and so being at liberty to consent to sex with someone only under certain conditions: if and only if they turn you on, if and only if they are not drunk, if and only if they are thoughtful and gentle, if and only if they pay, etc. But your right to control your own body does not require that anyone else agree to have sex with you. It doesn't require a higher rather than a lower number of persons who are likely to agree. Owning a brothel might be necessary for a pimp or a madam to make a living from other people's sex work, but it's not necessary to control his or her own body. It is therefore consistent for a human rights advocate to support the decriminalization of sale, but not the decriminalization of purchase or brothel ownership.

Here is an argument for decriminalizing sale and purchase, but not brothel ownership: Not only does each of us have a right to control our own bodies, sex has psychological value in creating feelings of closeness, intimacy, and acceptance, and in relieving feelings of loneliness, rejection, and stress. Some people who would benefit psychologically from sex have psychological or physical disabilities that prevent them from pursuing non-commercial sex successfully. If paid sex would provide these benefits to such persons, then laws that criminalize purchase impose a substantial burden. Consequently, they can be justified only by a strong argument. Proponents of the Nordic model believe that criminal penalties for purchase substantially reduce sex work and the psychological, physical, and social harms it is thought to involve. Others are skeptical. Despite the rhetoric on both sides, we don't have conclusive evidence either way. Suppose, though, for the sake of argument that penalties for sale do not substantially reduce these harms. Then given the substantial burden they impose on persons with unusual needs, they violate their right to sexual freedom, and purchase should be decriminalized. It does not follow that brothel ownership should be decriminalized because the opportunity to own a brothel is neither necessary for people to control their own bodies or to meet these unusual psychological needs. One can therefore consistently argue for the decriminalization of sale and purchase without arguing for the decriminalization of brothel ownership.

---

### Dan Demetriou:

Let copulation thrive—even the paid variety. Opponents of legalized prostitution have had ample time to forward a plausible justification for their view. In the absence of such, they trade upon divine command, distraction, or dudgeon. Hopefully Amnesty International's moral aegis will mainstream the call to decriminalize one of the most ubiquitous, accessible, profitable, and (potentially) harmless of all markets.

Refuting prohibitionists is slow-pitch philosophy:

- Extramarital sex is wrong/sinful! — *Really now.*
- Sex must be "loving and equitable!" — *In your household maybe, but why in mine?*
- Purchasing sex "buys bodies" and "uses people as means"! — *No more than buying massages must.*
- The ickiness involved in the job's tasks "demean" prostitutes! — *How do you feel about the permissibility of sewage maintenance?*
- But some johns are sadists, or at least enjoy degrading sex workers! — *The fact of sadistic clients is unfortunate but irrelevant; bad actors show up in all industries; uncontracted-for abuse should/would be illegal.*
- Omnipresent power disparities render apparently consensual acts actually coercive! — *This is patently condescending, morally condemns all low-paid labor, and doesn't apply to high-priced prostitutes, who often earn more than their johns.*
- Most prostitutes would rather not be sex workers! — *Few people get to work in their careers of choice and, as bad as that may be, it is no comment on the permissibility of their industry.*
- Sex work is brutal on the body! — *Prostitution isn't nearly as demanding as professional boxing, crab fishing, or mining.*
- Many prostitutes are seriously harmed and killed! — *Not as many as soldiers, police, loggers, or roofers—all*

*permissible forms of labor.*

- There are millions of sex slaves, including children! — *Would it be wrong for a conscientious antebellum Southerner to hire someone to pick his cotton? Would his doing so somehow promote slavery?*
- Prostitution makes men feel entitled to sex! — *How could paying for it possibly communicate an entitlement?*
- Men will view all women as sex workers! — *There are more waitresses than prostitutes, and no one sees all women as waitresses.*
- If legalized, women will have to seek employment as prostitutes to get welfare benefits, and sexual services might be added to job descriptions! — *No equivalent consequences followed upon the legalization and acceptance of pornography.*

As educated Westerners grow increasingly comfortable with sex and individual liberty, prohibitionists have seen their support erode. Pornography, which in many cases is filmed prostitution, has been normalized. Thousands of entrepreneurial women with perfectly good prospects supplement their incomes by becoming “cam girls,” or by selling their dirty underwear to fan bases they’ve cultivated online. Billboards advertise “sugar daddy” matchmakers for college students looking to monetize their sexiest (and most sexual) years. Demi Moore’s *Indecent Proposal* might have shocked sensibilities a generation ago, but here in 2015 most of us would demand much less than a cool million for a night’s work, despite inflation. Perhaps we are coming to see our sexual organs as less sacred than our moral rights. Prominent among these rights is the freedom—whatever aims others might have for our souls or our genders—to make mutually beneficial exchanges, including those involving sex.

---

### Brian D. Earp:

Some of the most interesting recent philosophical work on the question of whether paying for sex should be prohibited — on the assumption that it’s truly a consensual exchange (so trafficking, sexual slavery, and prostitution-by-coercion are all ruled out by definition) — comes from Ole Martin Moen, [in a series of papers](#) in the *Journal of Medical Ethics*.

Moen’s basic argument has two parts: (1) much of the harm that is associated with prostitution (or being a sex worker; the terminology is extremely contentious) is actually a consequence of its being illegal, and is therefore not inherent to the act of trading sex for money *per se*. And (2) to the extent that prostitution does have intrinsic harms — and Moen grants that there are good arguments to this effect — this would still not be sufficient to show that it should be legally prohibited. This is for two reasons. First, many lines of work have intrinsic harms, and yet rather than banning them, we instead compensate the workers, usually monetarily, but also through the establishment of health and safety regulations, etc., for the various risks to which they are likely to be exposed (again, on the assumption that they have not been coerced into entering the line of work to begin with, and therefore see it as being preferable to at least the next-worst viable alternative). And second, if Moen is right that prohibition is actually *responsible* for much of the harm of prostitution (or sex work), then driving the practice underground is not only bad policy, but actually directly counterproductive.

Now, there are a lot of possible objections to this line of thought. One argument you could make is that prostitution is so inherently degrading to the prostitute (or otherwise problematic), that as a matter of fact, there is no such thing as “autonomously” choosing to be a prostitute. According to this argument, only people who are “forced” to do so by their circumstances — such as extreme poverty, let us say — would ever turn to prostitution to make ends meet.

Perhaps that is really the case, but it is important to be clear about what we mean when we say that someone is “forced by their circumstances” to sell X for money. As Like Semrau [has argued](#) with respect to the debate over establishing a marketplace for kidneys, there is an important distinction to be drawn between “pressure to sell X” and “pressure, with the option to sell X.” If someone is being *directly pressured* to sell her kidney (or become a prostitute, or whatever), then prohibiting the selling of X could at least in principle be of some help (of course, prohibition often drives problematic vending practices underground, as we have already discussed, but let’s set that aside for the moment).

On the other hand, if someone is experiencing a more general pressure (such as extreme economic insecurity), but has

a *number* of ways — including, but not limited to, selling X — to begin to relieve this pressure, then prohibiting the selling of X is actually likely, all else being equal, to make this person even worse off. This is because it would remove (or drive underground, and therefore make more dangerous) at least one otherwise viable option for “making ends meet.” As a consequence, the person who was considering selling X, and who do so if it were not prohibited, must now turn to an *even less desirable option* (as judged by them) to relieve the more general pressure.

If this sort of view is correct, then as long as the background pressure continues to exist, and as long as someone enters into prostitution (or sex work) because of this more general background pressure as opposed to direct coercion (such as having a gun held to their head), *it is unlikely* to be the case that prohibition will improve this person's situation. Instead, it is likely to make it even worse. On the other hand, when it comes to direct coercion — and this is the issue with trafficking and sexual slavery — there is no question that such behavior must be prohibited, and indeed punished to the fullest extent.

Much more could be said. I have given an extremely narrow analysis of just one aspect of this debate. And counterarguments galore could easily be raised. But I hope this puts at least some dimensions of the recent Amnesty International proposal in a helpful philosophical context.

---

### Lisa Fuller:

Amnesty International's vote in favor of a resolution supporting the full decriminalization of sex work is a bold move in the right direction.

It is against an unjust background of structural oppression and economic marginalization of women that we should assess the policy Amnesty proposes. Since in most countries some aspects of sex work are criminalized (solicitation and brothel keeping, for instance), women who are already vulnerable are further burdened both by the prospect of incarceration and fines, as well as the violence and coercion to which they are subject in the course of their work because they cannot report these abuses to the authorities. In part to protect themselves against these dangers, many women resort to employing the “protection” of pimps or others who can also bail them out of jail, provide them with a place to live, etc. But this “protection” comes at the cost of exploitation, since inevitably it must be purchased with sex workers' earnings.

Decriminalizing sex work would help eliminate some of the burdens that these women bear. As [Amnesty documents](#) point out, if (aspects of) their work were not illegal, then sex workers would be “able to enjoy better relationships with and protection from the police”. The criminalization of sex work requires them to choose between their right to security of the person and their ability to earn a living – a choice no one should have to make. It is unjust to deny sex workers equal protection of the law on the basis that their work is stigmatized by society.

If sex workers could avail themselves of the protection of law enforcement, then this should reduce the need to seek “protection” from those who seek to exploit and control them. In turn, this should allow them to keep more of their earnings in their own pockets. And other elements of their quality of life would be improved. For instance, if sex workers were not subject to criminal charges, then many fewer of them would have a criminal record, which in many countries is a major impediment to gaining access to other types of employment, decent housing and services. They would then be in a much better position to lead decent lives and to make meaningful choices.

Some critics of full decriminalization argue that buying sex should be a criminal offense, since these “customers” provide the demand for a service which is inevitably supplied by women who have few other options. For example, journalist [Julie Bindel argues](#) that decriminalizing the buying of sex amounts to the “state-sanctioned abuse of adult women” and privileges those “who believe it is their human right to violate others.”

These are serious claims, made in the spirit of protecting women and in support of gender equality. Arresting those who

buy sex *seems* to promote gender equality by punishing those who view women's bodies as objects for their use. However, criminalization of any aspect of sex work merely encourages concealment and so subjects *actual* women's bodies to greater risk of abuse. And until the unjust background conditions that deny women better opportunities for education and gainful employment are rectified, the least we can do is implement policies that protect them from the threat of violence and incarceration that currently characterizes sex work in most countries.

---

### Jeffrey Gauthier:

Amnesty International's new policy comes in the midst of the debate between those calling for full decriminalization and regulation of prostitution, and those favoring asymmetrical decriminalization (decriminalizing the sale but not the purchase) and abolition of the practice. Amnesty puts forward a human rights case against the latter by arguing that "respecting, protecting and fulfilling the human rights of sex workers" requires full decriminalization of all aspects of sex work. Does this effectively resolve the debate? That seems doubtful.

The Amnesty policy openly relies on the experience and testimony of those who have been and currently are willingly employed as prostitutes. Were this the only class of persons with a legitimate stake in the debate, the case for full decriminalization and regulation would have great, perhaps decisive, force. Such a policy could serve to curb the worst forms of exploitation and abuse, while not aiming to eliminate the sexual marketplace upon which sex workers depend for a living. Abolitionists, however, tend to have a more expansive view of the legitimately interested parties, including current and former sex workers who are critical of the practice, and perhaps more importantly the young people (primarily young women) who will become the next generation of prostitutes. Assuming that nearly all people seek to avoid prostitution as a job, the supply of willing sex workers inevitably falls far short of demand, pressuring the most disadvantaged into prostitution. Abolitionists assume that all people have a reasonable interest in not being pressured into prostitution and that criminalizing demand is the best way to give effect to that interest—even if that disadvantages those already engaged in prostitution.

It is worth noting that asymmetrical criminalization—where the offer but not its acceptance is illegal—is not peculiar to sex work. Under the Occupational Safety and Health Act (OSHA) of 1967, for example, an employer is liable for offering hazard pay for technologically eliminable risks even if a worker accepts or welcomes the offer. As in the case prostitution abolitionism, the interests of willing risk-takers are compromised in the interests of a putatively larger class of risk-averse workers who have a reasonable interest not having to field such offers.

Nothing I've said should be taken to settle the question one-way or the other. Abolitionists could be wrong about the supposed harm associated with a suitably regulated practice of prostitution, and thus wrong about the existence of a reasonable interest in not having to field offers for sex work. Perhaps asymmetrical criminalization does not sufficiently curtail demand to justify the policy. These are questions for debate. Amnesty's policy, however, effectively cuts off the debate altogether by placing the rights of willing sex workers already engaged in the trade ahead of all others.

---

### Carol Hay:

What's significant about Amnesty International's vote is its call to decriminalize the *buying* as well as the selling of consensual sex. Critics argue that this would let pimps and johns and those who profit off the exploited women who engage in sex work off the hook. Proponents argue that keeping sex work in a legal grey area where it's legal to sell but not to buy forces these women to operate in the shadows where they'll continue to be at risk of considerable violence.

Before looking at the details of this case in particular, let's look at what we should clearly agree about, and what we might reasonably disagree about, when it comes to sex work in general.

We should all agree that sex trafficking—forcing women, often as girls, into the sex trade—is abominable. We should

agree that those who participate in sex work are often multiply disadvantaged by racism, poverty, or a history of childhood sexual abuse. We should agree that these vulnerable members of our society are at risk for exploitation, and that our goal should be to protect them.

One thing we might reasonably disagree about is whether the sex trade can ever be entered into consensually. Some argue that it can be, that the choice to enter into sex work is no more coerced than the choice to enter into any other low-wage, low-prestige, or dangerous occupation that might not be most people's dream job but that we aren't about to criminalize. Others argue that sex work is an occupation that no one would choose in the absence of coercion, that the "choice" to become a sex worker is no choice at all, and that the criminalization of this work is a legitimate bit of paternalism that's necessary to protect vulnerable people.

Another thing we might reasonably disagree about is whether selling sex is intrinsically different from selling other kinds of labor or bodily services. Some argue that there is no relevant difference, that in occupations ranging from masseuses to therapists to models to writers we put the most intimate parts of our bodies and our minds up for sale all the time. Others disagree, arguing that sex work is an institution that entrenches and legitimizes misogynist norms and beliefs such as our culture's eroticization of gendered relationships of dominance and submission or the view that women exist primarily for the sexual use of men. (It's worth saying that certain prurient views that underlie some people's belief that sex work is different in kind from all other work should be rejected out of hand as unreasonable. These include a hatred or fear of sex in general and female sexuality in particular, and the belief that women's sexuality is inherently dangerous and must be controlled both for their own sakes and for the sakes of others.)

These reasonable disagreements are important, and they're worth sorting out. But we shouldn't let them distract us from another reasonable disagreement that's more pressing here. We agree that the vulnerable and potentially exploited women who engage in sex work should be protected, but we can still debate the practical question of whether the full decriminalization of sex work will have the effect of making these women safer.

Proponents of full decriminalization argue that the harms and vulnerabilities of consensual sex work are at worst entirely caused by, or at best exacerbated by, its illegality. They argue that criminalization deprives women of the ability to depend on the police for their protection, prevents them from unionizing or banding together for safety and support, and forces them to rely on exploitative pimps for security. And they argue that fully decriminalizing consensual sex work will free up the legal resources to prosecute those who actually deserve it—the pimps and traffickers who force women and girls into this work, who profit off their work, and who prevent them from leaving.

Amnesty International's gamble is that decriminalizing not only the selling of sex but also the buying of it will grant sex workers the same labor protections as all other workers. Critics have argued that this move will make it easier for pimps to exploit women. Amnesty International's gamble is that it will either eliminate the need for pimps altogether or at least subject their activities to the same level of public and legal scrutiny as any other employer. Given the dire state of sex trafficking worldwide, this might well be a gamble worth taking.

---

### Patricia Marino:

Amnesty's resolution is based on a belief that decriminalization is the best way to protect the rights of sex workers, by reducing the associated exploitation, coercion, stigma and abuse that they often suffer. Sometimes this belief is challenged on empirical grounds, with a denial that decriminalization will have the intended effects. These matters are complex, but I find plausible Amnesty's claim that decriminalization facilitates sex workers' ability to protect themselves and defend their rights. Other times, though, the belief is challenged on normative grounds. It is suggested, for example, that sex work is, in itself, inherently degrading or exploitative, a "desperate choice" that no one would make, except under duress or delusion.

But why should this be? After all, doing things in exchange for other things is one of the basic ways most of us get through

life. What is it about sex that would make it different? One answer sometimes given is that because of the special relationship of sex to one's identity, the activities of sex work are unlike those of other exchanges: sex work damages the self. But why should we think sex plays this special role for everyone — or even for most people? Presumably people's relationship to their sexuality varies widely. Another answer proposed is that sex work requires workers to alienate themselves from their subjectivity: in accordance with the norms of commerce, sex workers must show their clients a good time and thus cannot show their true feelings. As my students frequently point out, in modern life this is true of many jobs, including retail sales clerk, barista, and therapist. Too often forgotten, in my opinion, is that the best source of information on many of these matters is sex workers themselves: especially when they speak about the relevant harms and their causes, we have an obligation to treat their voices as authoritative.

---

### Philip Pettit:

Most of us will agree that consensual sex work is not something valuable in itself: sexual favor is ideally earned in reciprocal affection, not granted for payment in cash. But most of us will equally agree that criminalizing consensual sex work is unlikely to undermine the oldest profession. So why criminalize it? Why not choose instead to allow it but to impose regulations to guard against the dangers of domination and disease?

Some will say that criminalization serves to express the widely shared values of the community and others that it is likely to reduce the incidence of a morally offensive form of behavior. But even if they are admitted as relevant or sound, those considerations are vastly outweighed by the bad effects that criminalization promises, and has indeed proved, to have.

These effects are: to make it impossible to regulate the sex industry, thereby opening up the dangers of domination and disease; to create a source of reliable income for criminal organizations; and to make it likely that that money will be used to bribe and corrupt police and other officials.

Those who righteously insist that consensual sex work should be criminalized, notwithstanding these effects, fail to recognize that in this instance, as in so many instances of law-making, the best is the enemy of the good.

---

### Rebecca Whisnant:

In my view and that of other feminist abolitionists, prostitution both reflects and cements the broader subordinated condition of women under male supremacy, while also constituting its distinctive "bottom," setting a subclass of women (and children, and a relative few men) apart and dehumanizing them in an especially devastating way.

For us, then, Amnesty's decision—though more or less expected—is difficult to bear. Because we believe prostitution itself to be a massive violation of women's human rights, to have the world's largest and most respected human rights organization recommend its full decriminalization is a bitter pill indeed, prompting raw expressions of grief and rage on social media and in personal communications. As prostitution survivor, activist, and author Rachel Moran has put it, "To be prostituted is humiliating enough; to legalise prostitution is to condone that humiliation, and to absolve those who inflict it. It is an agonising insult" (*Paid For*, 2013, p. 221).

Amnesty proudly heralds "a vote to protect the human rights of sex workers"—no doubt leading many to wonder who could possibly oppose such a manifestly noble endeavor. One has to take a second look in order to see whose rights—to do what—are being protected here. Amnesty assures us, "Our policy is not about the rights of buyers of sex—it is entirely focused on protecting sex workers who face a range of human rights violations that are linked to criminalization."

In fact, they are quite clearly and unequivocally recommending the full decriminalization of *all* parties in the sex trade: pimps and buyers as well as prostituted persons. Those inclined to celebrate this decision should at least fully understand what they are celebrating. In regimes of legalized or decriminalized prostitution, male sex-buyers become legitimate

customers of a service like any other, free from any whiff of stigma or legal risk. Pimps of all stripes, from street to Craigslist to the mega-brothels of Germany and more, become legal, respectable businessmen.

The way to address the harms of prostitution is by *disincentiving* both pimping and sex-buying—that is, making both selling women and buying women riskier and more stigmatized (and, in the former case, less lucrative). Legalizing or decriminalizing prostitution does exactly the opposite. As prostitution survivor and activist Natasha Falle recently tweeted:

*If full decriminalization (wiping out pimping laws) is not a 'green light for pimps,' why is my pimp laughing on his page right now?*  
@amnesty

To recognize Amnesty's decision as fatally and tragically wrong, all one needs to know is two things: first, prostitution as we know it, here in the actual world, is rife with human damage and tragic abuses, some of which are considered "trafficking" and some of which are not. And second, legalizing or decriminalizing prostitution facilitates and increases these abuses.

Wherever women and girls have even minimally tolerable other options for feeding and sheltering themselves and their children, very few choose to engage in prostitution. Certainly, not nearly *enough* do so to fulfil the apparently insatiable demand of men (as a class) to pay for the sexual use of female bodies. Therefore, because there's serious money to be made off of said demand, more desperate women and girls will be found elsewhere and brought in to satisfy the surplus demand. Or, manipulative and coercive means will be used to induce unwilling women into prostitution and keep them there. Hence, in both cases: trafficking.

When sex-buying is legalized (or decriminalized), more men do it; so demand goes up. When pimping is legalized (or decriminalized) in a particular country, the pimps already there are emboldened, and pimps elsewhere head straight for that country's borders, where the money's good and the legal risk nonexistent. Both heightened consumer demand and reduced risks for pimps feed trafficking; therefore, trafficking goes *up*, not down. Thus, if you are opposed to trafficking, you should oppose decriminalizing pimps and johns.

The Amnesty documents emphasize repeatedly that only *consensual* sex work should be decriminalized. Furthermore, they say, the eventual policy will be "fully consistent with Amnesty International's positions with respect to consent to sexual activity, including in contexts that involve abuse of power or positions of authority."

Given all we know about the global realities of prostitution, and all that many of us have come to understand about the complexities of sexual consent, surely we must take Amnesty's assurances here with a hefty grain of salt. Let's just say that if Amnesty really wants to decriminalize only fully consensual "sex work," and if they apply to this endeavor even a moderately stringent (and feminist) conception of sexual consent, they will find themselves with damn little left to decriminalize.

---

Discussion welcome in the comments.

## There are 106 comments



Matt Drabek · August 13, 2015 at 2:47 pm

One thing that doesn't get enough attention, I'd argue, is the level of respect/space we ought to give to sex workers themselves. Obviously sex workers have some types of knowledge non-sex workers lack, though of course there are plenty of issues concerning just what that is and precisely how to cash it out in terms of expertise and policy issues. Only two commenters (Marino and Whisnant) really make time to take seriously the views of sex workers, and arguably Marino is the only person who's really calling to center the voices of sex workers (Whisnant appears to consider only the opinion of sex workers who already agree with her views).

I don't think the voices of sex workers are necessarily the decisive, completely authoritative voice as to whether sex

work ought to be decriminalized – for one, sex workers disagree with each other (even though organizations themselves seem to be overwhelmingly in favor of full decriminalization). For another, there are policy issues that go beyond immediate experience. But it seems to be that those voices are important enough that they ought to be a part of just about every conversation on the topic. And it's worth thinking seriously about the role those voices play, particularly in light of the fact that much of the established literature (especially the anti-decriminalization literature) ignores or runs roughshod over those voices.

👍 0

Report



Rebecca · August 13, 2015 at 9:07 pm

Matt, Helen Lewis wrote a useful short piece earlier this week on this matter of “listening to sex workers”: <http://www.theguardian.com/commentisfree/2015/aug/09/listen-to-sex-workers-but-which-ones>

👍 0

Report



Matt Drabek · August 13, 2015 at 9:35 pm

Thanks, Rebecca. This is a really good article that makes for an excellent starting point in thinking about the contributions sex workers have to make.

👍 0

Report



Anonymouse · August 13, 2015 at 3:05 pm

I really appreciate the post, Justin, and most of the contributions. I found particularly insightful those by Brian Earp and Jeffrey Gauthier, since they made points that were novel to me (I found especially interesting the contrast between current sex workers' rights and potential future ones).

A few critical comments:

1. Peter de Marneffe writes: “Some people who would benefit psychologically from sex have psychological or physical disabilities that prevent them from pursuing non-commercial sex successfully.” While this may be true, it risks reinforcing dangerous and offensive stereotypes about disability. A lot of (physically or psychologically) disabled people have successful sex lives, and many more could have one, if the stigma surrounding disability were successfully fought. Furthermore, many non-disabled people don't have successful sex lives, and may choose to recur to paid sex (just lousy, unpleasant people), or would benefit from paid sex and cannot have it given their life circumstances (I'm thinking of inmates, for example, although I imagine this is a controversial and delicate position). So there is no reason to single out the disabled, and it would be better not to.

2. Rebecca Whisnant (whose feminist concerns I am overall sympathetic with) argues that making paying for sex legal would take away the stigma that currently affects buyers. First of all, I'm afraid there is no such a stigma in many circles (my brother told me that buying sex is considered perfectly normal among truck drivers in the country I am from—he is not a driver, but supervises a bunch of them). Second, many things are legal and still stigmatized, such as abortion, or some jobs such as certain cleaning and maintenance jobs, working in cemeteries or morgues etc.

She also argues that if paid sex was legalized, more men would buy it. This seems an empirical claim in need of investigation. It seems false, once again, with abortion, but one might argue that having an abortion is much less fun than paid sex, and I agree. However, it seems to me that most people who enjoy paid sex already buy it, and as for those who don't, some of them might give it a try, but I am not sure they would all get into it. In any case, it's a mere speculation at the moment.

3. Dan Demetriou: “slow-pitch philosophy”? Really now.

👍 0

Report



Rebecca · August 13, 2015 at 9:21 pm

You're quite right that, at least for some men and in some circles, there's little to no stigma now. It depends on context, of course: many sex-buyers freely discuss their activities online and/or in all-male groups, but don't want their wives to find out, and wouldn't want it broadcast at the office water cooler. In this study of male sex buyers (see p. 22), many/most indicated that a realistic risk of various forms of exposure would effectively deter

them from buying sex (which suggests that significant stigma exists):

<http://i1.cmsfiles.com/eaves/2012/04/MenWhoBuySex-89396b.pdf>

As for whether more men buy sex when it's legal, you may be right that most who are interested in doing so already do, particularly since the legal risks are so minimal. Part of what I had in mind here is the results in Sweden (which of course pioneered what's now called the Nordic model), where the percentage of men buying sex plummeted quite significantly in the decade following the law's inception. But of course another variable there is the widespread and powerful campaign of public education about the harms of prostitution . . . that may have played a role too.

I feel sure that I've seen other evidence on this matter (rates of sex-buying varying with the legal status of doing it); will ask around a bit and post again if I come across it.

👍 0

Report



Anonymuse · August 13, 2015 at 11:14 pm

Thanks, Rebecca. If your claim is backed up my empirical evidence, then, it's an important consideration. Of course, if we didn't live in a patriarchal and sexist society, people being more inclined to buy sex wouldn't in itself be an argument against legalizing it. I was thinking about this, after posting the comment. I would think about the issue quite differently if men and women were equally involved in buying and selling sex, although it's very very hard for me to engage in such an imaginative enterprise: I tried to ask myself "If it was fully decriminalized, would \*I\* be more inclined to be a client?" But then I immediately started worrying about the person being exploited, and then I started wondering whether my intuitions were driven by the current exploitative system... Anyway, thanks for your reply.

👍 0

Report



R. Fullinwider · August 20, 2015 at 8:23 am

The claim is not backed by reliable evidence: see

<http://www.lansstyrelsen.se/stockholm/SiteCollectionDocuments/Sv/publikationer/2015/prostitutionkartlaggning-2014.pdf> .

👍 0

Report



Komal · August 13, 2015 at 3:20 pm

First of all, let me mention that I love this series of posts. It is a good example of making philosophy relevant to non-academic life.

Secondly, I want to share some of my thoughts on this issue, and welcome responses. Sexual desire is appetitive; it is hard to define appetite, but it may be helpful to consider that sexual desire is less like the desire for knowledge and more like the desire for food. In prostitution, the consumer sexually desires the sex worker, and so has an appetite for their body and not merely for a product that comes from their body. A worker who flips burgers under non-autonomous conditions (e.g. working for a boss in a company they don't own) is objectified to some degree (there are various reasons I hold this view, but I won't go into them here), but their labour is sought in a way that leaves their boundaries intact. The burger may be consumed or have consumptive desire directed toward it, but the body of the worker is not. When bodies themselves are desired and rented to fulfill the body-directed desire, there is a higher level of and a different kind of objectification than the kind involved in the usual kinds of exploitative labour.

It is controversial whether liberty extends to industries that involve such a level of objectification and exploitation, as they involve a denial of subjectivity and personhood, and presumably it is out of respect for subjectivity and personhood that we believe in rights and liberty in the first place. A plausible case could be made that people should not have the right to objectify even themselves in this way. But even if we don't go this far, we can appreciate that the feature I mentioned above distinguishes prostitution (possibly along with some other industries) from most normal forms of work in a way that justifies attempting to eliminate the industry. The Nordic model results in a lower rate of

expansion of the prostitution industry, so we ought to support it unless there is some overriding reason to the contrary. Endangerment of existing sex workers is often cited as such a reason, but AFAIK there is no evidence that criminalization of clients actually endangers sex workers further (there are predictions that it will, but I don't know of any data that shows it has), and even if there was I am not convinced that this counts as an overriding reason. Anyway, that's all I'll say for now. I would like to end on the note that this is only one argument for aiming to eliminate the prostitution industry, not the only one.

👍 0

Report



Komal · August 13, 2015 at 5:25 pm

I realize that my remarks above about sexual objectification might imply that all sexual attraction is unethical. While I do think sexual desire can have problems, sexual acts between people in loving and mutual relationships negate some of the subjectivity-denial involved in sexual objectification because a commitment to another necessarily involves a recognition of their goals and subjectivity. I also think the interaction between sexual objectification and commercial transaction makes the sex worker-client relationship even more problematic than non-commercial loveless sex.

👍 0

Report



Rebecca · August 15, 2015 at 8:00 am

Komal, I didn't think your remarks implied at all that all sexual attraction is unethical. If you're interested in thinking further about the distinctive role (and kind) of objectification and dehumanization involved in prostitution, Rachel Moran's memoir *\*Paid For\** is a must-read (and is just being released in the U.S. — don't know if that's where you are located). She is enormously thoughtful and quite philosophically-minded in trying to convey the nature of her experience in prostitution.

👍 0

Report



Matt · August 13, 2015 at 3:57 pm

It seems to me that this question, and several of the posts, show the limits of philosophy as a tool as much as anything. I hope it's not too implausible to say that at least a significant portion of the "right answer" in relation to prostitution is an empirical one, based on the likely results of various policies. (This is certainly so if we don't think there's an inherent right to buy or sell sex. Unless we are extreme libertarians we should not accept that. I was glad to see Philip Pettit make this point.) These empirical issues are debated, and the answers to the questions are almost certainly heavily context dependent. However, there seems to be some pretty good evidence coming from several European countries which have decriminalized prostitution that doing so can, at least in some circumstances, increase rather than decrease human trafficking. The reasons why this might happen are fairly straight-forward, and reasonably well supported. If the number of women interested in being prostitutes is significantly lower than the demand for prostitutes, there will be strong pressure to find substitutes for willing participants. If it is difficult to tell the willing participants from the unwilling (as often seems to be the case), then some providers of prostitution services will get away with providing unwilling participants. There is some pretty good evidence that this happens. (There is some useful discussion in this article: <http://s.telegraph.co.uk/graphics/projects/welcome-to-paradise/> ) Now, I don't know if this is a less-bad outcome than others. It does seem clear that no solution will be without some significant problems. But, the questions here are very largely empirical ones of public health, policy design, and so on. Philosophers can contribute, but I think their role will be quite small.

👍 0

Report



AnonGrad21 · August 13, 2015 at 4:26 pm

I was happy to see that one of the entries, namely Peter de Marneffe's, mentioned the point that there are some people, such as those with certain physical or psychological disabilities, who, for all practical purposes, are unable to pursue non-commercial sex successfully. Given that sex is a basic human need—and that, consequently, to be chronically cut off from it involves suffering—these are people who certainly have a stake in whether prostitution is

decriminalized. After all, in places where prostitution is criminalized, it is, in effect, illegal for these people to have sex.

It's worth wondering whether this aspect of the situation is in principle any different from that of places in which gay sex was (or is) criminalized. In the latter case, it was illegal for a certain class of people to have sex. (I'm setting aside, of course, the possibility of sex with people whom one is constitutionally unattracted to.) Now, there were of course multiple things wrong in the case of anti-gay laws that are not present when it comes to anti-prostitution laws: for one, being based on sheer bigotry. Yet surely *one* of the things that was unfortunate about anti-gay laws—independently of the bigotry from which they stemmed—was simply that they made sex illegal for a certain class of people. That anti-prostitution laws do essentially the same thing, even if for a different class of people, is likewise unfortunate.

This doesn't by itself mean, of course, that anti-prostitution laws are wrong. It might be that the cost described above is unfortunate in itself, yet necessary to avoid even greater costs that would come from legalizing prostitution. (This is no doubt the case with laws against child molestation; these laws effectively make sex illegal for pedophiles.) Here I'll take no stance on this further question. My point is simply that it *is* a cost—a cost, moreover, that is often forgotten in this debate. (No doubt one of the factors contributing to this is the massive stigmatization of those who, for whatever reason, are unable to pursue non-commercial sex successfully, not to mention the stigmatization of those who buy sex.)

👍 0

Report



Plouffe · August 14, 2015 at 5:27 am

I am sorry, but to be cut off from sex does not qualify as suffering. Nor is it a basic human need. Unless "things I really like doing" counts as a basic human need.

👍 0

Report



AnonGrad21 · August 14, 2015 at 8:26 am

"I am sorry, but to be cut off from sex does not qualify as suffering."

There are many people, likely in a significantly better epistemic position on the matter than you, who would beg to differ.

"Nor is it a basic human need. Unless 'things I really like doing' counts as a basic human need."

Sex is one of the most basic drives humans possess. True, to be without sex will not lead to death—but then, there are plenty of things whose absence would not kill us but are still clearly needs (e.g., belongingness and love). What's necessary for something to be a need is not for its absence to lead to death, but simply for its absence to predictably and significantly lessen a person's well-being. By this criterion, sex is a need.

👍 0

Report



Rebecca · August 14, 2015 at 9:26 am

I actually agree that being (permanently) cut off from sex can constitute suffering. Calling sex a "need" is something different though, it seems to me.

It's interesting that this issue should come up here. As it happens, a 2014 Amnesty draft document leaked to the British press asserted the following:

"Sexual desire and activity are a fundamental human need. To criminalize those who are unable or unwilling to fulfill that need through more traditionally recognized means and thus purchase sex, may amount to a violation of the right to privacy and undermine the rights to free expression and health."

So they tipped their hand here, demonstrating that the interests of (overwhelmingly male) sex-buyers have figured more prominently in their reasoning than they now want to let on.

Philosophers in particular should take note of the fairly mindboggling implications of claiming

that sexual access to the bodies of others (which, given the context, has to be what's meant, since no one proposes denying anyone the right to masturbate, fantasize, and so on) is a "fundamental human need," let alone a human right. (Just for a brief taste, see <http://freethoughtblogs.com/butterfliesandwheels/2015/08/a-fundamental-human-need/>)

👍 0

Report



Matt Drabek · August 14, 2015 at 11:18 am

Rebecca, I'm curious about what you'd say about the case of things like closeness or emotional intimacy as a fundamental human need. These things require access to others, and in some cases would probably require access to the bodies of others (e.g., hugging and so on). There have also been some interesting cases recently of people selling these services. For example, there was an article I read about a young woman in Portland, Oregon who was selling "cuddling" services. To the best of my knowledge, cuddle sales aren't criminalized (or even specially regulated) anywhere in the Western world, nor has anyone proposed criminalizing them.

Would you say, maybe, that the non-sexual nature of those services is what separates the two sorts of cases?

👍 0

Report



Kmiriam · August 14, 2015 at 5:07 pm

I'm trying to respond to Matt but there is no cursor next to his name. Matt you reply to Rebecca below:

Rebecca, I'm curious about what you'd say about the case of things like closeness or emotional intimacy as a fundamental human need. These things require access to others, and in some cases would probably require access to the bodies of others (e.g., hugging and so on). There have also been some interesting cases recently of people selling these services. For example, there was an article I read about a young woman in Portland, Oregon who was selling "cuddling" services. "

The point is that although intimacy and closeness are human needs, the fact of this need does not oblige particular people or populations to fulfill that need. Or better put, nobody has a \*right\* to have that need fulfilled by specific populations, e.g. women, based on undeniably sexist criteria of what a woman is, and what needs she ought to indeed service. Society should be structured so that these kinds of needs are met. But not in a way that marks certain populations/groups as designated sex or even cuddlers. Many feminists have written about "care work", how it is gendered, and how this gendered "work" is based on a sex hierarchical society.

👍 0

Report



Rebecca · August 14, 2015 at 8:22 pm

(Like kmiriam, I can't see a way to reply to Matt, but this is in response to his question about emotional intimacy, etc.)

Absolutely, closeness and emotional intimacy are fundamental human needs. (This is compatible with saying that some people need these things more than others do, and even that there may be a few who don't need them at all — we'd just have to say that the latter are rare and psychologically highly anomalous.)

And yes, it's the sexual vs. non-sexual nature that makes the difference (at least in part) — but we'd have to go on to say what it is about the sexual nature of prostitution that makes the difference. My own view is that it has something to do (again, at least in

significant part) with what patriarchy makes of sex — i.e. what sex, and in particular sexual penetration, is taken to mean about, and do to, the bodies and status of the sexually-penetrated. Here, as in many ways, it's hard for me to talk about prostitution in an abstract way, separated from gender and patriarchy. (I'm not suggesting you were trying to do that.)

It's difficult to sort out these matters of needs, rights, reasonable vs. unreasonable/inflated senses of entitlement, and so on . . . again, here as in many other areas.

👍 0

Report



Jean · August 13, 2015 at 5:16 pm

Laurie Shrage wrote a smart column about this issue at The Stone a few days ago.

[http://opinionator.blogs.nytimes.com/author/laurie-shrage/?\\_r=0](http://opinionator.blogs.nytimes.com/author/laurie-shrage/?_r=0) From what I can see, it hasn't received any attention here, at Feminist Philosophers, or at other major philosophy blogs.

👍 0

Report



Peter de Marneffe · August 13, 2015 at 6:27 pm

I'm still puzzled by the assumption that the Amnesty resolution "supports full decriminalization including both the selling and buying of sex," as Justin puts it in his introduction. The phrases "full decriminalization" and "buying sex" do not appear in the text of the resolution and no synonyms appear either. So although Justin tells us that "sources inform me that the policy is in fact a statement in support of 'full decriminalization,' including buying," this is not actually what the resolution says. How can a statement "in fact" recommend a policy if none of the sentences in the statement recommends it? Full decriminalization might have been the goal or hope of some of those who voted for the resolution or who were involved in drafting it, but this does not make it true that any sentence in the statement expresses the proposition that prostitution should be fully decriminalized.

👍 0

Report



Justin W. · August 13, 2015 at 6:43 pm

Hi Peter. My source at Amnesty confirms that the policy they approved is meant to include both the selling and buying of sex. I understand if you are wary of anonymous sources. But I am at least in good company, for if I'm being led astray, so is the New York Times and several other reputable news organizations. Amnesty is being (perhaps overly) diplomatic in its statement owing to the fact that its passage was highly controversial.

That said, I was able to locate a copy of the [entire draft of the policy on sex work](#) (not just the public statement). On page 10 it states: "In response to the human rights violations caused by the criminalisation of sex work, states must: repeal existing and/or refrain from introducing laws that criminalise (directly or in practice) the consensual exchange of sexual services for remuneration." That is a little more straightforward, but perhaps not as direct as you'd like.

👍 0



Peter de Marneffe · August 13, 2015 at 7:30 pm

Thanks Justin. Can you explain the process? Was there a vote? if so, what, exactly, was the vote on? Was it on the draft you linked above or was it on the public resolution? It's not just that I'm wary of anonymous sources, it's that the opinions/wishes/goals/intentions of a single individual cannot determine the objective meaning of a text that was voted on by many different people with many different opinions/wishes/goals/intentions. If the Times sloppy in its reporting, this certainly would not be the first time.

[Report](#)**MrMister** · August 13, 2015 at 6:53 pm

I agree with Matt @5 above that policy debates revolving around prostitution ought to involve a heavy empirical component (and with Matt Drabek @1 that this empirical component ought to include attention to sex workers' testimony).

However, I still think there's plenty of work for philosophers to do. Take, for instance, how Komal sets things up @3 and 4. As they lay things out, the presumption is against allowing prostitution, and that presumption may only be overcome by some sufficiently damning empirical data, e.g., if it turned out that legalization really did eliminate the dangers involved in the sex trade (and then only maybe).

By contrast, my preferred take is rather more liberal, with my sense being that a properly liberal political philosophy will create a strong presumption against banning either the sale or purchase of sex. This presumption may then be defeated by sufficiently damning further empirical data, e.g., if the market forces in legal prostitution markets turn out as a matter of contingent fact to sufficiently expand the slave trade. But the bar starts out high.

So, I agree that the debate is (or ought to be, at least) ultimately hostage to empirical considerations, but I still think there's room for philosophers to chip in.

Two further thoughts:

1) I disagree with Petit that consensual sex work is in and of itself without value. Even if I accepted that "sexual favor is ideally earned in reciprocal affection, not granted for payment in cash," there is no reasonable inference from that claim to the claim that sex work is without value. Ideally, chili is cooked from dried beans, fresh produce, and home-made chili sauce and takes a full day. This does not, however, mean that my chili I threw together from cans in the pantry and spices off the rack is in and of itself without value. Rather, my pantry chili is still tasty and, more relevant, is appropriate to situation at hand, where I haven't the time or the inclination for anything else.

2) Whisnant above mentions in passing the relatively small number of men involved in prostitution, but does not dwell on them. I wonder though, if the rationale against prostitution stems from the way it reflects and cements women's subordination, what becomes of the indeed relatively smaller-but certainly non-negligible-market of men selling sex to men. In such transactions, there is no gender divide between buyer and seller and women are not exposed.

[Report](#)**Scott Anderson** · August 14, 2015 at 2:05 am

Here is a puzzle for you all: Suppose prostitution is fully legalized in a place where sexual harassment is prohibited. Should a prostitute in that place be allowed to press a claim against her clients and/or employers for sexual harassment? If so, what kind of behavior would constitute the harassment?

While this smacks of being a "gotcha" kind of puzzle, it points to something at the heart of the problem of female prostitution in a world where male gender dominance remains entrenched, and heterosexual sex and sexuality remain laden with significance that validates men's power and women's subordination.

The conceptualization of "sexual harassment" marked an attempt by feminists to combat gender hierarchy as it was enacted within market capitalism. Prior to this intervention, women were routinely subjected to sex discrimination in the form of being sexualized in their employment, where such sexualization undermined their ability to work as equals. If, as I suspect most of us believe, the prohibition of sexual harassment is a good, important step toward sex equality, then how is legalized female prostitution compatible with sex equality? I don't doubt that there are clever answers to this question, or conceivable regulations that might help mitigate the various ways in which female prostitution is disadvantageous to both the individuals so employed and to women in general. But the bigger problem remains: legalizing female prostitution under conditions of male gender dominance generally tends to reinforce the conditions of gender hierarchy, especially for women in the most vulnerable positions, and obscures the extent to which such hierarchy is unchosen and detestable, rather than a manifestation of free, voluntary choice.

Undoubtedly some people choose to be prostitutes or sex workers because it fits their tastes, and undoubtedly criminalizing sex work makes conditions worse for those women for whom there really are no other viable economic

options. Criminalizing prostitution (or the buying of sex) has drawbacks for such people which should not be discounted. But what does it say about our attitudes towards such women if we simultaneously hold that most people should be protected against having sexual conditions imposed upon them as a condition of employment, but prostitutes don't get such protections because, well, they choose to be prostitutes?

Since this is such a complicated issue, no short discussion of it is likely to be at all fruitful. I commend the call for a thorough empirical investigation of the pros and cons of legalization of prostitution, and recommend Peter de Marneffe's book on prostitution as a good canvassing of much of the recent literature here. (Spoiler alert: prostitution proves to be very, very harmful to a lot of people who practice it—much more so than one might expect.) So in lieu of adding further philosophical arguments here, here are several more questions for reflection:

Why is prostitution so thoroughly gendered?

When masturbation and pornography are essentially free to enjoy, what is it men buy when they buy sex from a real live woman?

Why, in the places where prostitution has been legalized, does it remain so routinely infiltrated by criminal traffickers? Would those who favor legalizing prostitution also favor allowing Philip Morris, Amazon, McDonalds, or Uber (and their associated marketing and labor practices) to utilize their techniques to mass-market and proliferate prostitution? If not, why not?

What would it take to truly transform prostitution so as to make it compatible with sex equality? Until we figure that out, what is the next best policy?

👍 1

Report



Rebecca · August 14, 2015 at 6:46 am

Thank you, Scott, for this thoughtful comment. For those who haven't yet read it, Scott's comment functions well as a "teaser" for his superb 2002 article, "Prostitution and Sexual Autonomy: Making Sense of the Prohibition of Prostitution" (\*Ethics\*, 2002).

👍 0

Report



Anon · August 14, 2015 at 7:19 am

I don't understand why the question of whether a prostitute can sue for sexual harassment is meant to be puzzling. The answer is obviously yes, and there are cases of exactly that: see for example

<http://www.thedailybeast.com/articles/2014/03/05/sex-worker-sues-brothel-and-wins.html>

There are many other professions that involve sexual interactions (like actors kissing, or doing a love scene) or discussions about sex and sexual behavior (like doctors). We don't seem to have a problem working out what sexual harassment looks like in those professions.

I also think that there are a lot of empirical claims being made here that are not borne out by the facts. For example, Rebecca's claim that "Wherever women and girls have even minimally tolerable other options for feeding and sheltering themselves and their children, very few choose to engage in prostitution." NZ (the country in which the above lawsuit took place) recently legalized prostitution, and is also a country with reasonably robust social welfare safety nets, and according to a report on the NZ situation after legalization, less than 20% of prostitutes were doing it because they could not get access to benefits (so, at least 80% of sex workers were in the industry despite the fact they could access unemployment benefits, which are set at a level designed to be sufficient to live in, if only just).

The same report also speaks to the worry that legalizing prostitution will increase coercion or trafficking. The report found no instances of trafficking, and less than 5% of those surveyed said they entered prostitution because they were made to do so.

The report is here: <http://www.justice.govt.nz/policy/commercial-property-and-regulatory/prostitution/prostitution-law-review-committee/publications/plrc-report>

👍 0

Report

Rebecca · August 14, 2015 at 9:35 am



The information about New Zealand is interesting, but I'm not sure that it speaks to my point. What we need to know is not what percentage of women in NZ prostitution are there because they lack other options, but rather how the "supply" of women in NZ prostitution compares to the demand of NZ men to buy sex. My claim is that, in general, male demand outstrips the supply of women who are both local/domestic and at least nominally willing. If that turns out not to be true in NZ, that's interesting (and, if my more general claim is correct, anomalous), but what you've said here doesn't show it not to be true.

👍 0

Report



Rebecca · August 14, 2015 at 10:16 am

"The report found no instances of trafficking, and less than 5% of those surveyed said they entered prostitution because they were made to do so." I find this puzzling, since surely "being made to [enter prostitution]" IS trafficking — even according to comparatively restrictive definitions. (The only kind of definition that would exclude it, as far as I know, would be one that requires movement across national borders . . . but that definition is pretty widely discredited, for good reason. If there's force or coercion, it's trafficking — regardless of borders.)

Note also that a woman's situation can become one of trafficking (again, even according to more-restrictive definitions), even if she entered prostitution voluntarily — if, for instance, she is prevented from leaving it.

👍 0

Report



Allison Granted · August 14, 2015 at 9:50 am

I'm pretty distressed to see the use of prostitute and prostitution used throughout this site and the comments. The sex workers I talk with and read have an entirely different view on this kind of work. Regardless of the morality of offering a sexual service, I think the morality question should be, do sex workers deserve rights and protections like anyone else? The moral answer should be yes. Decriminalizing all aspects of sex work and setting up rules and regulations that protect the sex workers is the best way to protect them from harm. Sex workers should not have to worry about being an accessory to a crime because buying sex is illegal. Sex workers who want to do the work or need to do the work because they can't find work any other way should all have the same protections.

I am glad to see that #20 comment is making lots of sense. Thank you for that.

👍 0

Report



grad student · August 14, 2015 at 9:58 am

In these discussions, there is often quite a bit of hand waving about "listening to sex workers." But most of the sex workers who vocally talk about and advocate for "sex work" are absolutely NOT the most vulnerable people caught up in prostitution. They tend to be: white, Western, from middle class or sometimes affluent backgrounds, and claim to have voluntarily chosen sex work.

But I'm not sure why they should be the exclusive face of sex work. There are plenty of women who went into "sex work" because they were trafficked or otherwise forced by men or circumstances. What do THEY want?

👍 0

Report



Dan Demetriou · August 14, 2015 at 10:27 am

To piggyback on Anon's (20) excellent reply above, Scott Anderson's worries should extend to the massive pornography industry, strip clubs, and so forth. Should those be banned?

In a legal sex industry, the standards for harassment shouldn't be the same. Yes, sexual quid pro quo from employers/managers, whether in an insurance office or a bordello, should be illegal. But pictures of naked people on the office walls of a Playboy set don't contribute to a hostile workplace.

As for Scott's questions for reflection, I would like to address them briefly but I think fruitfully.

Q: Why is prostitution so thoroughly gendered?

A: The mainstream scientific view seems to be that human males, and males of species with a similar reproductive ecology, are massively more sexually proceptive, interested in sexual variety, satisfied by impersonal and even anonymous sex, and arousable by potential mates who lack high status or good genes (i.e., don't find low-status partners unappealing), than females of our species are. The explanation for this has to do with differences in the reproductive strategies for the sexes given their reproductive caps and resource commitments. This is why males masturbate far more often, spend far more money procuring sex partners, consume way more porn (at least the visual variety), enjoy FWB arrangements more, etc. In any event, these biological facts create the perfect conditions for prostitution: males are horny and are prepared to search sex out (proceptivity), want new sex partners, don't mind the impersonality of prostitution, and aren't sexually repulsed by the fact that the woman in question isn't financially successful (men aren't attracted to status, as females are). Some women wish to capitalize on this demand. I'm sorry if this is all familiar to you, but the question suggested that it may not be. I don't know. A brief primer on the topic can be found in this entertaining lecture by psychologist Paul Bloom: <https://www.youtube.com/watch?v=RCNgknc7Qv8>

Q: When masturbation and pornography are essentially free to enjoy, what is it men buy when they buy sex from a real live woman?

A: To me, this is like asking why you want to be in a romance rather than see a romantic comedy, or hug your mom rather than skype her, or attend a concert rather than see it on youtube.

Q: Why, in the places where prostitution has been legalized, does it remain so routinely infiltrated by criminal traffickers?

A: This is empirical, but I bet it's for the same reason our televisions started out as morally produced by well-paid, American union workers and ended up being produced by low-paid, Chinese sweatshop workers. Like your cell phone now. But this is not to condemn the cell phone industry in principle. (This has at least as much to do with laws and attitudes concerning immigration as it does sex, by the way.)

Q: Would those who favor legalizing prostitution also favor allowing Philip Morris, Amazon, McDonalds, or Uber (and their associated marketing and labor practices) to utilize their techniques to mass-market and proliferate prostitution? If not, why not?

A: I would, because many workers like the advantages (convenience, security, consistency) that a large business can provide their employees.

Q: What would it take to truly transform prostitution so as to make it compatible with sex equality? Until we figure that out, what is the next best policy?

A: Your assumption is that individual liberties must wait on sex equality. What sex equality is is highly controversial and there will be little agreement on it in the near future. There will always be professors who claim it hasn't yet been achieved. I don't think a goal for a sex or gender needs to be reached before the members of that sex or gender get to exercise (what I see as clearly) their moral right to trade their labor for money.

👍 0

Report



Anon · August 14, 2015 at 11:00 am

This is a reply to Rebecca at 22/23: The report does define trafficking as being transported across national borders. I am not knowledgeable about reasons for opting for a different definition, but it seems to me there are at least some reasons for thinking it is important to treat those transported across borders as a separate category, at least in part because they are likely to face extra problems due to lack of legal status in a country.

In any case, the tables I am referring to are tables 12 and 15. According to table 12, 3.9% of sex workers entered the industry because they were made to do so. The numbers actually drop when we look at reasons for remaining in the industry once in it – 1.9% of sex workers report that they remain in the industry because they are made to.

👍 0

Report

Jean · August 14, 2015 at 11:01 am



Dan, If your long paragraph about gender differences were all correct, it would raise a very serious worry about prostitution. It would mean many men find anonymous sexual encounters appealing, but on the whole, women don't. But prostitutes are mostly women—so there's a worry about the men in the transaction getting something at the expense of the women. Unlike you (evidently) I find it repellent to contemplate an asymmetrical sexual encounter in which the woman feels repulsed while the man is in ecstasy. Yes, she gets paid for having sex with a man she'd rather not have sex with, but does that really eliminate all worries? Put it in a more familiar setting—a male student wants to have sex with a female student, and overcomes her disinclination with a bribe. I don't think he can secure the right sort of consent in that way, do you? Of course, we do think money is a legitimate inducement in some contexts, but I see no problem with thinking that the proper role of money varies from context to context. In a nutshell: your enthusiasm for prostitution is not doing much for me. Fortunately, AI's policy is not really founded on this sort of enthusiasm.

👍 0

Report



Dan Demetriou · August 14, 2015 at 12:22 pm

Jean, my tone on this issue is as unapologetic as it can be while remaining civil. I think this issue needs to cross into to "duh" territory, and I don't want to be haunted by the thought that, 20 years from now, there will evidence online that I ever thought legalizing prostitution was a hard call.

To answer your question, this seems like a virtue worry. That is, all sewage workers are repelled by parts of their work, but sewage maintenance is okay. Your worry is, I think, what does it say about a person that he can be aroused by a sex partner who is repelled by him? I agree with you on that point. But for the same reason you don't want a waitress who communicates utter misery in her job (even though you know she'd rather be somewhere else, first-order), and you'd be creepy if you relished her misery, it'd be vicious for a john to relish sex with a prostitute who was repelled by him. He typically will—as you will with waitress—try to find who doesn't mind her job so much, even though it is work for her, and she'd of course rather be somewhere else. If you look up rating sites for prostitutes, cheerful attitudes is a big concern for johns. Again, they know it's about the money! But johns like friendly service, too, and don't want to contribute to anyone's misery. (Strange how there is no worry of moral injury for johns, who are having sex with women who only want them for their money. Boo hoo, right? But it goes both ways I think.)

Your worry, by the way, doesn't quite follow from my summary of reproductive strategies and sexual psychology. That men are happier with impersonal and anonymous sex than women are doesn't mean men prefer it to personal sex: the "GFE" (girlfriend experience) is a much sought-after performance for johns who can afford it. That principle also doesn't entail that women (especially all women) will find impersonal and anonymous sex particularly horrible. Presumably, women who don't mind it as much (or even like it) will be more likely to pursue sex work than those who do, just as funny people who don't mind standing up in public (a common phobia) and can cope with heckling are more likely to pursue stand up comedy.

As for your student bribe case, I have the clearest intuition possible that she consented, given the description. That case is far, far more obviously consensual than the usual circumstances of student hookups, in my opinion, which are often clouded by alcohol, the need to impress, mate-retention anxieties, social pressure, etc. (even though consent is compatible with all that, too).

Finally, I set aside my failure to "do it for you," and your conflating one's enthusiasm for prostitution's legality and acceptance with enthusiasm for it as a consumer. I will take the bait only enough to say that I don't think hiring a (free, obviously) prostitute is shameful in the least, or that it speaks disparagingly about a john's sexual prospects elsewhere (the data supports this). Plain prostitution is far more honest than the average Tinder hookup, can be friendly and respectful, and the most sexually successful men in the world (such as professional athletes) appreciate the neatness, safety, transparency, and convenience professional prostitution brings to the sex market.

👍 0

Report



Rebecca · August 15, 2015 at 8:10 am

Jean, a very smart young blogger has just published a post that I think bears on your concern here, which I certainly share (it's connected, too, to the last point in my original contribution):

<http://jonahmix.com/2015/08/14/enthusiastic-consent-is-necessary-except-for-the-prostituted/>

👍 0

Report



Jean · August 15, 2015 at 9:35 am

Thanks for the link. Yes, they're making exactly the same point and now that I read your last paragraph, I see you did too.

👍 0

Report



David Wallace · August 14, 2015 at 12:12 pm

Lots of people do it; some do willingly, but many (most?) are driven to it through various forms of hardship; once doing it, they find it difficult to get out of it even when they want to. We have some sympathy for the libertarian argument: if an adult freely chooses to do it, who are we to prohibit them? But ultimately we think that's greatly outweighed by the harms caused. We know that criminalization will harm those currently doing it, and expose them to other harms, but we think that's a price worth paying if it stops people starting to do it or helps them stop doing it. As far as we can tell, people doing it are strongly opposed to it being criminalised, but their testimony isn't reliable and doesn't count as genuinely autonomous because of the inherently problematic nature of doing it. We know that criminalising it forces it underground, but it would be worse if it were generally accepted and legitimised. Most of all, despite the fact that people have been doing it pretty much everywhere and pretty much throughout history, we're confident that with enough effort, we can use the power of the law to effectively eliminate it and thus improve the lot of the vulnerable.

But enough of the War on Drugs; we're supposed to be talking about sex work.

👍 1

Report



Jean · August 14, 2015 at 1:22 pm

Dan, I am not saying this worry is totally unique to prostitution. In a recent NYT article about nail salons, I learned that many workers are repelled by people's feet while clients luxuriate happily in a foot massage. Knowing this, I would worry about the ethics of getting myself a foot massage in the future. There isn't the same asymmetry when workers keep a sewer running and downstream people get to flush the toilet. The worry is about close, interpersonal interactions in which one person ignores the cost to the person giving them pleasure. Surely what you say about Johns preferring prostitutes who seem to enjoy themselves doesn't solve the problem. I take it acting like she's having fun is part of the prostitute's performance. In fact, that's another thing that creates ethical problems. Since it's part of the sex worker's job to make it seem like she's having fun, Johns are just not in a position to make the crucial judgments. There might be some exceptions, where two people know each other very well, but in a commercial context, the John doesn't actually know enough about the sex worker to know what impact he's having on her. So the transaction seems especially fraught with problems, given the pressure on sex workers to appear to enjoy themselves.

👍 0

Report



Dan Demetriou · August 14, 2015 at 1:38 pm

Jean, I'm curious about your attitude towards restaurants. What do you say of my waitress analogy? Perhaps you don't use nail salons, but surely you go out to restaurants?

Also, as an academic, you have handed in lots of papers to your professors, and you have received many from students. Profs try to be cheerful, but we know that sinking feeling as that stack of papers grows and grows. We smile bravely. We say, "Thank you," as if the students are doing us a favor, as we contemplate our ruined weekend of deciphering the rushed ramblings of freshmen philosophy. This is just how service work is, at any level. Even politicians, and certainly diplomats, have to grin and assume expressions, postures, and conversations that are totally out-of-keeping with their first order desires.

👍 0

Report



Jean · August 14, 2015 at 2:20 pm

Dan, In the normal restaurant transaction, I get a meal (no ecstasy) and the waitress is mildly burdened and bored (no agony). Grading papers is not horrendous, and the student really gets no pleasure from receiving a grade either. They just wind up with a graded paper. So I don't think these are situations very similar to getting a foot massage (my luxuriating comes at the expense of the worker's repulsion) or visiting a prostitute. Certainly the asymmetry that bothers me isn't unique to prostitution, but I don't think it's as ubiquitous as you're saying.

👍 0

Report



Dan Demetriou · August 14, 2015 at 2:41 pm

Jean, since you're probably not going to go to a bunch of prostitutes, I suggest simply going to a place that does pedicures—even the one at your local Walmart—and using your best powers of observation to see if the workers there are in agony. Or, if you feel you're not in a position to tell, maybe you can get a grant to do some biometric tests revealing how much distress they're experiencing.

Here's a possibly cheaper test: hand them a "help wanted" sign from a local Applebees, and observe how many of the pedicurists decide to stay there instead of waitressing. If most do not, that should tell us that, in their minds at least, they'd rather rub feet than serve diners.

👍 0

Report



Jean · August 14, 2015 at 3:36 pm

But the article I referred to wasn't about my local Wal-Mart! You might like to have a look:

<http://www.nytimes.com/2015/05/10/nyregion/at-nail-salons-in-nyc-manicurists-are-underpaid-and-unprotected.html>

👍 0

Report



Anonymous · August 14, 2015 at 4:11 pm

That article has problems:

<https://reason.com/blog/2015/07/27/new-york-times-editors-defend-nail-salon>

👍 0

Report



Neighbor · August 15, 2015 at 8:39 am

Oh boy. This has been a really interesting thread to read. I used to live on 13th and Spruce in Philadelphia. At the time, it was a corner known for male and transgender sex workers. I remember being really scared for those kids. And the violence that face sex workers is a real-world problem that still keeps me up at night.

But I haven't spent a lot of time on this topic as a researcher, so thanks to everyone who has been posting links to other articles as well.

Anyway, I wonder whether decriminalizing buying might help law enforcement find and apprehend the people who abuse and kill sex workers. If so, that would be a point in favor of decriminalizing buying.

👍 0

Report



Wonderwoman · August 15, 2015 at 3:02 pm

It sometimes surprises me how far from the mark philosophers can be when they are discussing issues such as this. I have to say that reading the articles and comments posted here last night was quite disturbing. That is not to say that good points were not made, or that relevant issues were not discussed, however.

I think I can accept *prima facie* that decriminalisation of the prostitute's actions is a positive step that allows respect for what she is going through, and enables support as part of rehumanising processes. 'Full decriminalisation', on the other hand, is harder to assess. The most important point that has been made in this regard was made by Rebecca Wisnant, rendering this question in fact a moot point:

"if Amnesty really wants to decriminalize only fully consensual "sex work," and if they apply to this endeavour even a moderately stringent (and feminist) conception of sexual consent, they will find themselves with damn little left to decriminalize."

Quite a lot of discussion has nonetheless centred around prostitution considered as a form of exchange, and I assume this must apply only to these 'first world' cases of (assumedly) high class prostitutes, insofar as such sex workers must be assumed to be uncoerced and so on. I not only wonder whether this is ever the case (and it is very reasonable to wonder at this), but the suggestion that most or all prostitution falls into this category is simply ridiculous.

Prostitution is a structural problem. It is a problem that is reproduced within the ways in which we live and think. Lisa Fuller argued that "It is against an unjust background of structural oppression and economic marginalization of women that we should assess the policy Amnesty proposes", and I think it is uncontroversial and in terms of the debate here, very necessary, to go further and recognize that it is the frame in which to consider prostitution generally.

Posters seem happy, however, to assume that the existence of prostitution is a neutral fact about any society, perhaps because they foresee that it may always be a problem (a dangerous non-sequitur), and they (perhaps wilfully) ignore the fact that the fight against it is essentially civilising. This exceeds a purely legal argument and is in fact the way philosophers (good philosophers) can and should be imagined to have something useful to contribute. For my part I will now offer two reasons for a civilising trend against prostitution. My first argument is that the horror of prostitution is a material and not an abstract moral problem. Secondly, the gains created by prostitution are greatly outweighed by very normal aspects of life that many people do not assume others cannot access, and therefore take for granted.

Of my first point, Neighbour comments of his/her own experience that "the violence that face sex workers is a real-world problem that still keeps me up at night". Having some experience of this myself I have complete sympathy: the lives prostitutes endure are indeed the stuff nightmares are made of. It should be easy on simple reflection to understand that these feelings are not moral in nature, but are grounded in empathy, sympathy and (dare I say it in present company) compassion.

The term 'sex work' should not be thought of as a monetaristic exchange between self-interested rational individuals. The term exists because stigmatisation of the prostitute as an evil woman subject to criminal investigation and moral prejudice blocks the possibility of her receiving necessary support and medical services. 'Sex work' is not 'work' as we ordinarily know it, it is simply an enabling codification. The overwhelming majority of prostitutes are sexual slaves of one stripe or another. The life expectancy of these girls (and women) is short, and their lives are full of violence and mental anguish. The ubiquitousness of sex work does not speak to its quality of life, and I am appalled that some here believe it to be entirely natural. Perhaps some life stories should be posted here in detail, to put an image alongside the lifestyles that some philosophers here are going out of their way to support as if they were freedom itself.

gradstudent pleads: "There are plenty of women who went into "sex work" because they were trafficked or otherwise forced by men or circumstances. What do THEY want?"

I suspect that the rights and freedoms that prostitutes would like are the same that all would like, namely to live with dignity and respect, to love and to be loved. This brings me to my second point. Some fantasists here – Dan "The Man" Demetriou being the prime example, who calls prostitution "one of the most ubiquitous, accessible, profitable, and (potentially) harmless of all markets" – would like to see prostitution as an area of industry like any other, interwoven into daily life and not the least subject to superstitious objections. My first argument speaks to education, and is a constant process of giving and receiving important information about the real destruction wrought by prostitution, as well as an awareness and ability to emphasise with prostitutes as a category of vulnerable people (who are not at all favourably considered as 'businesspeople', and in fact this is deeply offensive). My second argument, however, speaks for itself. We only need to stop to imagine what such a loving and peaceful world, full of individual freedom, might look like.

I invite you to imagine the typical cliché'd scene in a junior school where a little girl is asked what she wants to be when she grows up. The child answers: 'I want to be a sex worker when I grow up! I just want angry men's cocks in my ass for a living. Wouldn't it be fun to be treated for repeated life-threatening prolapses. I'm very excited about it because my mommy said that when I'm old enough I can marry a prince and he can be my pimp and get his friends to rape me and burn me with cigarettes if I don't smile'.

Any decent teacher would tell this little girl that these are not nice ideas, and that her parents should not encourage her to expect violence, degrading treatment and sexual humiliation to be a part of her life. But let's imagine that she goes home and her father, perhaps a stubbly man named 'Dan', explains to her that it just isn't rational to worry about

people harming her, for “The fact of sadistic clients is unfortunate but irrelevant; bad actors show up in all industries; uncontracted-for abuse should/would be illegal”. Why, if she encounters any problems with violence well the fact is she’s in a recently decriminalised industry, after all! And if she is worried about not having a happy time, well she should consider the plight of the university professor, who has to smile when his students hand in their papers, for “This is just how service work is [sic], at any level”, right Dan?

‘Dan’ might indeed be more worried that his daughter has picked up the immoral attitude of only wanting men for their money: “Strange how there is no worry of moral injury for johns, who are having sex with women who only want them for their money. Boo hoo, right? But it goes both ways I think”. It certainly does, Dan, just like your comment – “In your household maybe, but why in mine?”

No, prostitution just isn’t good enough for our children. Whatever is decided in law about how best to protect the rights of existing sex workers, philosophers must maintain that no more generations of our beautiful children should be dehumanized and exploited for sex and violence, and none of them deserve to be expected to be those that do such grievous harm. I will leave aside Dan’s disgusting comment about picking cotton (along with several of his others – Dan, don’t peak too early).

I find in such attitudes the complete dominance of the male point of view – and not just the male point of view, but the point of view of that kind of male that finds the historical domination of men over women, and the latter’s consequent victimisation, to be as American as the flag – and I hope that light will be shone into such dark corners as we step further into the 21st century. This male-centric worldview is easily overlooked, it seems. I see it also in comments such as that made by Jean, that “Since it’s part of the sex worker’s job to make it seem like she’s having fun, Johns are just not in a position to make the crucial judgments”. I’m just exasperated by this focus on a ‘job’ and the apparent compromising of male reason.

I would like to also make one last point about internet pornography, since ideas of loveless sex and the ‘pornification of culture’ is rampant nowadays, and really should be combated – again, a growth area for philosophy I believe. It concerns the following exchange:

“[Scott Anderson’s] Q: When masturbation and pornography are essentially free to enjoy, what is it men buy when they buy sex from a real live woman?

[Dan’s] A: To me, this is like asking why you want to be in a romance rather than see a romantic comedy, or hug your mom rather than skype her, or attend a concert rather than see it on youtube.”

Of course it needs to be noted that Dan is once again exhibiting some kind of ‘rational choice’ theory that only operates for the benefit of men. But leaving that aside, the question itself is interesting, because prostitutes in porn videos are in fact real women, who are as physically alive as any other woman – they just happen to be having sex with a john on video. There are various reasons men give up pornography, but the best reason is economical in nature – men see that their consumption of free videos creates demand for all kinds of prostitution at all levels.

My final parting comment concerns the nature of the agents involved in prostitution (whether of the street or video variety). The key words are ‘organized crime’. This needs to be addressed.

👍 0

Report



Rebecca · August 15, 2015 at 9:01 pm

Wonderwoman, thank you for your comment. I too have been uncomfortable with the level of abstraction in some of the discussion here, although of course some abstraction is part of our discipline and, here as elsewhere, can help in clarifying the issues.

Re. Jean’s observation (“Since it’s part of the sex worker’s job to make it seem like she’s having fun, Johns are just not in a position to make the crucial judgments”): I get your frustration with the focus on prostitution as a “job.” It is certainly not “a job like any other,” as its proponents often want to claim. Resisting that view is part of why abolitionists avoid the normalizing, anodyne term “sex work.” And yet . . . it is, among other things, a job. And Jean is right to point out that fakery and dissembling, e.g. making him think he’s the world’s hottest lover, is part of that job — and that for that reason, johns’ confidence that the women they pay for sex are fine and hunky-dory with it is entirely unjustified.

Relatedly, there is inevitably an element of performance in the public statements, including on internet boards

and the like, of women currently involved in any form of prostitution. Whatever their more complex truths may be, their public face is part of a marketing strategy, since their livelihood depends on presenting a certain kind of story about what their lives are like and how they feel about them. (Preserving a shred of dignity and self-respect, in the face of the kinds of realities you describe — or anything remotely approaching those realities — may well require the same thing.) This is not to say that we should discount their statements, but it is to say that we should consider them in context.

Finally, thanks for your reminder that the women in pornography are real live women, performing sex acts that are, other things equal, unwanted. As you say, pornography helps fuel demand for prostitution — but as a number of people (including me) have argued, it is also itself a form of prostitution. (See e.g. Meagan Tyler, "Harms of Production: Theorizing Pornography as a Form of Prostitution," Women's Studies International Forum, 2015.)

👍 0

Report



Grad Student · August 17, 2015 at 12:51 am

Whatever the proper stance is on the desirability of regulating prostitution or the ethics of pornography, "loveless sex" is certainly not intrinsically a bad thing or something that needs to be combatted. A great many people of all genders and social statuses choose to engage in consensual sex with people whom they do not love, without any exchange of money involved, for the purpose of obtaining pleasure — a purpose in which they are often successful.

Of course, people have come up with arguments designed to show that people who engage in loveless sex must be worse off for doing so, despite their firm conviction to the contrary, because they're missing out on the essentially amatory nature of human sexuality. Those arguments are as unpersuasive as the arguments of Finnis and George that people who engage in gay or lesbian sex must be worse off for doing so, despite their firm conviction to the contrary, because they're missing out on the essentially heterosexual nature of human sexuality.

👍 0

Report



Kevin · August 15, 2015 at 4:06 pm

I think there are good reasons for decriminalizing prostitution, but I found Lisa Fuller's argument wholly unconvincing. The question regarding whether prostitution should be decriminalized is surely a question of whether the buying/selling/commercialization of sex is a criminal activity. Lisa says, rightfully, but trivially, that it is unjust to deny sex workers equal protection of the law on the basis that their work is stigmatized by society. She also points out that if decriminalized, prostitutes wouldn't have a criminal record, would have easier access to more ideal jobs (if they want to switch industries), would no longer have to conceal their activities leading to further harm, they face the prospect of incarceration, and could avail themselves of law enforcement to report abuses in relation to their work unproblematically.

But this is true of all legitimately criminal activity. And this is the important part – the question isn't just about stigmatization (which is up to the individual views of the members of a community), but the act's criminal status. A burglar cannot unproblematically avail themselves of law enforcement during a burglary either; someone who pays to have another killed (or someone who accepts such payment) should not have the sort of equal protection for their work argued for here; all criminalization encourages concealment and subjects agents to further risk; as evidenced by Son of Sam laws (among others), criminals should not be allowed to keep more of their earnings in their own pockets; lastly, all felons would be in a better job position if their activities were not criminal. Many criminals are in relevantly similar situations to prostitutes regarding the circumstances that may lead them to such acts.

There are other ways that distinguish prostitution as relevantly dissimilar from regular crimes, of course, and if it is a crime, it is not a crime like burglary or murder-for-hire. But to center an argument for prostitution's decriminalization on the basis of the harms and burdens accrued to the person because of the crime's illegality, per se, is to beg the question.

👍 0

Report



Dan "the man" Demetriou! · August 15, 2015 at 6:07 pm

Wonderwoman's post exemplifies the "distraction and dudgeon" I claimed was prevalent among opponents of legalizing prostitution.

Here is how Wonderwoman portrays sex work, via a dystopian future in which prostitution is legal and regulated: "[A schoolgirl says,] 'I want to be a sex worker when I grow up! I just want angry men's cocks in my ass for a living. Wouldn't it be fun to be treated for repeated life-threatening prolapses. I'm very excited about it because my mommy said that when I'm old enough I can marry a prince and he can be my pimp and get his friends to rape me and burn me with cigarettes if I don't smile'."

And she accuses me of being a fantasist.

I realize that both sides of this debate often cherry-pick their cases, so I encourage interested readers to check out Reddit's sex work subreddit (<https://www.reddit.com/r/SexWorkers/>). Granted, by virtue of the forum, these women will be more privileged than many sex workers, especially those in the third world. But it is the closest thing to being an unedited portrayal of sex work in the U.S. that we'll find. (Remember, we only have the power to legalize prostitution in our own countries, and most of us are first world, as are these Reddit posters, so it's these women's lives we have the most power to help or harm.) Perusing those discussions will do more than I can, as a "stubby" man (?), to convince agnostic readers that Wonderwoman's portrayal of sex work as "nightmarish" is hardly representative. (Wonderwoman will probably condemn these women, as she did Jean, of promulgating a "male-centric worldview"—those poor brainwashed...everyone who isn't her.)

Wonderwoman speaks of compassion. Why must every discussion of legalizing prostitution be burdened by the obvious? Of course it'd be great if no one had to do work they didn't like—indeed, love—to live and feed their kids. Of course no one wants a single person to be assaulted or injured at work. Her brand of compassion, backed by her crystal-clear vision of what's best for other people, would leave most prostitution criminalized. (Or not. We never learn. Deciding that really doesn't matter. What's important is that a bunch of philosophers weren't talking as if (a woman's) selling sex is this totally amazingly horrible sui generis thing, for which no analogy to something else can possibly be apt.)

As to her other cheap shots:

My example of professors feigning pleasantness was used to demonstrate that feigning pleasantness is common in service work, even our own. I wasn't comparing the trials of paper grading to those of an abused prostitute with a prolapsed anus. To say otherwise so obviously misrepresents my view that Wonderwoman should be ashamed of herself—privately ashamed, of course, given that she hides behind a pseudonym, and cannot suffer professionally for her bad academic ethics.

My claim that a morally conscientious Southern planter wouldn't be doing anything wrong by hiring someone to pick his cotton somehow disgusted Wonderwoman. Maybe she has an overactive disgust module, because nothing about that analogy is disgusting: of course Southern slavery is wrong, so is sex slavery, and that analogy works *\*because\** we know these facts. I'd love to know how Southern planters should have had their cotton picked, if not through hiring people.

👍 0

Report



MrMister · August 15, 2015 at 8:19 pm

Kevin: your point is well taken, but I think there is a special reason why people focus on the harms that criminalization brings to sex workers. Namely, one of the central rationales for criminalizing sex work in current currency (in an age where moral decay arguments, e.g., carry less weight) is that sex work is harmful to the workers. But if it turned out that criminalization was yet more harmful still, that would devastate that particular rationale.

👍 0

Report



Kevin · August 15, 2015 at 11:31 pm

Granted, if the case is simply a measurement and comparison of harm, preventing the putatively minor harm

prostitution can cause by nature of its work and circumstance by imposing more harm due to criminalization, decriminalization should take place. If the matter were that simple. Lisa's argument does focus on an important aspect – the measuring of harms, especially due to law related burdens – but goes little further to consider (or even mention) other aspects. I should also point out that it's not clear how the harm principle applies to legalizing the buying of sex since Amnesty international has already pointed out that the buying of sex is a permissible means of acquiring a basic human good. And then there's the commercialization of sex to consider.

👍 0

[Report](#)



Wonderwoman · August 15, 2015 at 8:41 pm

SuperDan,

"Wonderwoman's post exemplifies the "distraction and dudgeon" I claimed was prevalent among opponents of legalizing prostitution."

If you read my second paragraph again you will see that I recommend legalization on the part of the actions of prostitutes, but I feel that demanding the same for other parties is hard to assess and a moot point. I don't see how you feel that you 'never learn' about how I feel about criminalisation, if you in fact read the post. I thereafter discuss prostitution generally with reference to posters' attitudes, and I indeed found yours particularly grating.

I will quote you quoting me:

"Here is how Wonderwoman portrays sex work, via a dystopian future in which prostitution as legal and regulated: "[A schoolgirl says,] 'I want to be a sex worker when I grow up! I just want angry men's cocks in my ass for a living. Wouldn't it be fun to be treated for repeated life-threatening prolapses. I'm very excited about it because my mommy said that when I'm old enough I can marry a prince and he can be my pimp and get his friends to rape me and burn me with cigarettes if I don't smile'."

And she accuses me of being a fantasist."

Dan – don't be so hard on yourself! I expected a more engaged response to this, but I suppose there isn't much to say on your part. You do misrepresent me a little as describing 'legal and regulated' prostitution, so I will easily settle this by referencing back. I introduce the section quoted above with the following:

"Some fantasists here – Dan "The Man" Demetriou being the prime example, who calls prostitution "one of the most ubiquitous, accessible, profitable, and (potentially) harmless of all markets" – would like to see prostitution as an area of industry like any other, interwoven into daily life and not the least subject to superstitious objections."

So that I'm absolutely clear for other readers – it is not necessarily the legal nature of prostitution I am lampooning, but the idea of a 'normal industry' that could be the most harmless of all markets. Pornography has been attempting to sell itself as a legitimate industry for a while now, but it, like all forms of prostitution, is never the dream of a child. At least, and this is the deeper point – it is not fit for 'our' children, only for children whose loving thoughts and dreams of love mean nothing, whose sense of respect for themselves and trust in others they innocently give and take for granted.

Of course Dan's privileged offspring, like all privileged offspring, will never say the words I put in the proverbial child's mouth. Both because they are violent and imply harm to the self that children have no knowledge of, and that they would least of all desire, and also because if children are ever led down the wrong path, it is via grooming and abuse and a schooling in perversion to break with their innocence.

Yes, Dan is a fantasist. He thinks he can talk about jobs that people do and do not like doing, as if this has anything to do with the realities of coercion and abuse that are essential to prostitution. Prostitution is a structural problem, not in the least best described in terms of choice or exchange. On every level it is planned abuse.

I salute the women on the reddit forum somewhat for making sense of their lives together. I see that they indeed make things worse for themselves and each other, by sharing advice and a mentality with each other that allows them to identify deeper with the roles they are filling. Dan quickly and smartly pre-empts me for saying they 'promulgate a male-centric worldview'. I would not say this. I would say that they are abused and vulnerable people that have no conceptual room for smelling the roses, and are involved in doing things that are wrong. Perhaps Dan imagines that in his exchange-centric view of prostitution (and his admittedly first-world-centric view that privileges only those cases he cares about (the nicer ones)) the individual's mind is left untouched by their lifestyle. On the contrary, it's a hard life,

and that's what strikes me reading the reddit forum. What strikes Dan must be the cheap rates, or something.

And prostitutes generally are not in fact represented by Dan's selecting of a group just because they represent themselves at a level he recognises. I thank Dan for assuming that I also cherry-pick cases, but this is, unfortunately for him, not true, and my views are in fact representative. When I say that prostitution is full of horrors, that it is terrifying, dehumanizing, the stuff of nightmares, and so on, I'm not attempting to isolate cases that agree with me, I'm explaining the countless things I have read, seen, people I have spoken to and so on, which have built a general picture in my mind over time. My personal experiences speaking with and reading about the life stories of prostitutes shores up my 'nightmarish' description. But perhaps Dan's lifetime experiences add up to lavish tea parties with prostitutes discussing Sartre over scotch (well, perhaps the poor ones didn't, but nodded their heads to seem like they understood, you know, out of politeness, or maybe because they don't have a voice at all). Dreamworld Dan.

I say again that it is no use to waggle your finger and throw 'fantasist!' back at your accuser, when it is quite impossible that prostitution should be an industry fit for the lives of today's children. My school analogy puts the lie your idea of sex work as legitimate business. Others will understand the reductio, and will laugh at you, not me. Unfortunately the tongue-in-cheek content is in fact what happens. They do get raped by pimps, gangs and so on, they do deal with angry and emotionally abnormal men, they do suffer with gruesome bodily injuries such as prolapse (particularly in the porn circuit), they do live in fear of their next round of abuse from their keepers. And indeed, prostitution often begins with abuse, abduction and all manner of things in childhood, and prostitution is indeed carried out by children. I wonder how many prostitutes Dan can recognise as happy moral agents are in fact children. I would guess 0.

Cheap shots:

1. Your analogy that prostitution is like being a university professor because both parties have to smile in the name of 'service' is only useful if the professor is also being fist-fucked. You did not in fact make the point that feigning politeness is common in service work, which has nothing to do with anything unless you are indeed making the comparison I, and everyone reading what you write, understands that you are making by your words.
2. You back away from your plantation owner analogy in the same way. Of course you meant by your disgusting analogy that no matter the moral content the plantation owner must hire someone to pick his cotton, when you and I know very well that you made this comment in response to the statement (that you indeed invoked) that "There are millions of sex slaves, including children!" That's why I, and everyone else, may find it disgusting, because it is. These are 'cheap shots' only if you are the most insensitive and critically inept person alive today, and everyone should give you a free pass for it, because you're only trying to be logical in your small way. I'm holding the possibility open if you have any more similar remarks. But of course you've already made others, haven't you? You also said:

• "Sex work is brutal on the body! — Prostitution isn't nearly as demanding as professional boxing, crab fishing, or mining."

Firstly this isn't remotely true, unless these people get raped or have their bodies sexually invaded somehow. I've never met a boxer that had to deepthroat three men because he refused to spar on some given day. Secondly, these are all predominantly male activities. This somewhat gives away the truth of your perspective, don't you think?

I can address a new nonsense of yours each time I need to reply to you. You may feel these are cheap shots, I feel they are responses of natural bewilderment at your cold hearted lack of compassion.

As Robocop used to say – Your move, creep.

👍 0

[Report](#)



Grad Student · August 17, 2015 at 1:32 am

Personally, I would very much like to avoid having to have sex with people in exchange for money to survive, and I would also very much like to avoid suffering brain damage from the impact of another person's fists in exchange for money to survive, but if forced to choose I would have not a second's hesitation in choosing prostitution over being mauled in combat, and I'm pretty sure I wouldn't be alone. I don't think that's an irrational choice. I also don't think it would be irrational to make the other choice instead. But I simply don't see how it can be \*obvious\* that it's more brutal for a person to undergo one of these things than the other, without taking into account that person's own priorities, relationship to her body, attitude to health risks, and so on.



Report



Jeff · August 15, 2015 at 9:46 pm

To second Wonderwoman's concerns above, I too worry when philosophical discussions of issues such as this become too abstract and untethered from the experience of the people whose lives are in the balance. Long before I wrote anything philosophical about prostitution, I became involved in organizations working to provide services for women and children in prostitution, and to provide training for men arrested in sweeps. In my experience, I did not meet a single woman who "chose" prostitution from among anything remotely resembling a reasonable set of options. Nearly all came from backgrounds of sexual abuse (which often led directly into being prostituted by family members), many were homeless or had arrived in Portland homeless as children or teenagers only to be swiftly preyed upon by pimps (and nearly all had a "pimp" of some description), most had become variously drug-dependent as a means for tolerating the misery of prostitution (and had not become prostitutes to support a drug addiction as the popular narrative would have it), nearly all wanted to leave the life of prostitution but lacked any resources to do so. None penned any books or articles on "sex work." And to back up a point that Rebecca made earlier, many had been and were subject to "trafficking" in the sense that their pimps moved them more or less regularly as demand shifted (e.g., when music or other festivals were taking place at various locations). I also participated in workshops for the johns. Their backgrounds were diverse, and their work lives ranged from manual laborers to high-ranking public officials. What they had in common were varying degrees of ignorance or callousness with regard to the real lives of the people with whom they were "contracting" to satisfy their desires.

I do not claim that my first-hand observations take in the lived experiences of all people involved in selling sex. Clearly there are other narratives out there (though it's not always easy to get the real story—Michelle Goldberg's piece in *The Nation* <http://www.thenation.com/article/should-buying-sex-be-illegal/> does a nice job pointing out the epistemological perils involved with gathering "empirical" data about prostitution). I am convinced, however, that the egregious harm currently being inflicted on people's lives in systems of prostitution is the most pressing moral issue here. I take it that feeling forced to choose to rent out my body for the sexual pleasure of another for whom I feel nothing (or perhaps more likely, a certain disgust) is, generally, an extremely degrading experience. To have to do so again and again is, generally, very harmful. Although the illegal nature of prostitution (especially where the seller is subject to arrest) may contribute to this, simply decriminalizing prostitution does not eliminate it. A just society must also insure that no one feel forced by economic or social circumstances to take up "sex work." I also take it that given current demand for prostitution, the number of truly willing sellers will inevitably be vastly fewer than the buyers. Thus, to protect workers from being forced into such work, effective public policy must aim to diminish demand for prostitution. Whether that is best achieved by full decriminalization and very strict regulations on sale and purchase, or by the decriminalizing the sale but not the purchase of sex (the Nordic model) can be debated (Peter de Marneffe's *Liberalism and Prostitution* has a very detailed discussion of this).

Amnesty's description of its policy in the Q&A makes it clear that the Nordic model (and other regulations aimed at diminishing the market such as restrictions on brothels), are not in keeping with its policy. It effectively ignores the necessity of addressing demand for prostitution if the human rights of marginalized women and others are to be protected, and casts the attempt to do so as a human rights violation. That strikes me as entirely mistaken.



Report

Hector\_St\_Clare · August 15, 2015 at 11:46 pm  
Dan Demetriou,

Not a regular commenter here, but I'd just like to chime in here to express my agreement with what you say, and in particular your excellent responses to "Wonderwoman's" silliness.

Someone mentions abortion and homosexuality above as analogies for prostitution (i.e. issues where the morality is a matter of deep societal debate). I don't think abortion is a good analogy, and I think homosexuality is a better one. I'm against abortion rights in most situations because there is a clear victim being harmed (the embryo/fetus). By contrast, in the case of consensual prostitution, there's no one actually being harmed (assuming we aren't talking about sex slavery here).

Homosexuality is a better analogy (and no, whoever says above that the reason for viewing homosexuality as immoral

was 'bigotry' is simply wrong). The moral and legal condemnations of homosexuality were based on a conception of \*what sex is for\*, just like the condemnation of prostitution, and I'm not sure the state should be getting that far into the weeds of deciding what sex is for.

👍 0

Report



Dan Demetriou · August 15, 2015 at 11:49 pm

It's so funny to be called a fantasist by someone calling herself "Wonderwoman" and who concludes with Robocop lines. This is tumblr philosophy.

I grew up in Greek household. My niece gave me worse than this before breakfast. I can do this forever, but I won't, because it would give you too much credit.

I have an absolutely clear conscience on this matter: I said nothing but positive things in my support of sex workers, I insulted no one, I linked to scientists and actual sex workers, and made plenty of arguments using analogy, principles, counter examples, and cases. Readers can judge for themselves.

👍 0

Report



Kevin · August 15, 2015 at 11:52 pm

This is somewhat in line with the concerns that some above (e.g. Jean, Rebecca, Jeff) have expressed in that Amnesty International may not be correctly balancing the interests of those for whom prostitution isn't harmful against those for whom it is. It also continues off from what I have said above, and my reply to MrMister.

Consent does remain a major difficulty, Lisa's objections withstanding. Despite the quality of the rest of his response, Dan's mention of cam girls is correct in demonstrating that in some cases of prostitution (widely conceived) there is clear – and enthusiastic – consent. On the other hand, human trafficking clearly does not include consent (and would remain illegal anyway). In the middle, people are divided as to what sort of circumstances might preclude consent from being genuine. Now, there might be a law which states that prostitution is only legal where clear consent can be determined – but that's not very useful because the people most at risk of harm (besides the most extreme cases of kidnapping, etc.) are precisely those who fall into situations where the possibility of consent is the most murky.

We pass all sorts of laws which contemplate an ideal not often met with in practice. Voting is presumably best done when informed, for example. But we don't prohibit the senile (or stupid, or busy) from voting because they are not informed, or cannot be informed. In one sense, it is unfair to be so permissive, because it disincentivizes people who are informed and vote when their choices are watered down by a largely uninformed electorate. But we understand that because there is no feasible or non-contentious way to prohibit the un-informed from voting, that this is an injustice we have to accept.

Something similar is I think applicable to prostitution. Ideally, only those who can take up the trade voluntarily and without harm should. But short of a feasible or non-contentious way of removing the legal burdens which cause more harm than help to some, while respecting claims that legalization is seen with some reason as an attempt to regulate what amounts to human rights abuse, or is closely affiliated with and likely to contribute to further human rights abuse, there isn't going to be win-win situation. Rebecca Whisnant is right to point out that there are global implications when one country legalizes something which is illegal in another and has concerns about resultant demand. Julie Bindel also points out that decriminalization – by treating the sex industry as any other industry – has lead to a decrease in vigilance policing the industry. We've seen same consensual contract arguments have been made regarding marijuana use – but they don't always contemplate or even require robust regulation.

Those for whom prostitution is the least problematic are exactly those who have the best viable alternatives – even if these are less desirable. They have social support and understanding, and have the means of navigating what is a harmful experience to some without danger to themselves. To be frank, their situation often means they can do without with little to no harm. A prohibition of prostitution in such cases – particularly if such prohibition places more burdens on those who still pursue the trade – is clearly unfair, as it does prevent them from entering into their economic arrangement of choice. But it nevertheless may be an injustice we should be willing to accept. It comes down to what Phillip had mentioned – whether or not the best is in this case really an enemy of the good.

0

[Report](#)


grad student · August 16, 2015 at 12:23 am

So folks on this thread who are enthusiastic about prostitution,

What are your opinions on the legality of selling organs? Do you think that I should be allowed to sell my kidney, as long as I consent to it? Do you think that I should be able to run a business in which I pay consenting adults (though often poor, uneducated, and possibly substance addicted folks) a sum of money in order to extract and sell their kidneys to the hospitals? What if I have a fetish for amputation? Can I pay someone (probably poor, uneducated, and possibly addicted to drugs) to allow me to cut off their body part?

Can you help me see the difference between these cases and cases of a woman selling her body for sex?

0

[Report](#)


David Wallace · August 16, 2015 at 12:40 am

To take the flippant comment I made and make it again in seriousness:

- 1) A large number of women (and some men) do sex work. It's widely recognised that over and above whatever intrinsically degrading features there might be to sex work, a really major aspect of what's bad about it is various forms of exploitation and abuse that would be flagrantly illegal in any legitimate sector of the economy. (Fast food workers, for instance, get a rough deal in life – but they don't get burned with cigarettes when they disagree with their boss.)
- 2) It's plausible that a lot of these forms of exploitation and abuse happen because the sex work industry is illegal, and so the normal regulatory mechanisms of first-world economies (however imperfect they are) don't get applied. When all brothels are illegal, there's no scope for specific brothels being closed down for failing to apply reasonable work standards.
- 3) Pretty much no-one seems to think that the lives of actual currently-practicing sex workers are improved by any of the various forms of criminalisation in play here. The arguments all seem to be about the intrinsic badness of sex work and the importance of stopping people doing sex work and incentivising them to get out of it. (If anyone actually thinks that the day-to-day life of a woman selling sex in (say) London or New York goes better when aspects of her action are made illegal, I'd be interested in seeing the argument.)
- 4) That means that criminalisation sacrifices the welfare of existing sex workers for the sake of reducing sex work overall. I'm unhappy about that on Kantian grounds, but also because I think it's optimistic in the extreme about our ability to use the power of the law to prevent sex work, just as the War on Drugs was optimistic in the extreme about our ability to use the power of the law to prevent the drug trade.

I actually do have some sympathy for the libertarian case for legalising sex work, but even if I put that aside, criminalising sex work seems to generate very concrete harms for real people in service of a quite tenuous goal.

0

[Report](#)


Rebecca · August 16, 2015 at 7:17 am

Re. #3: well, I don't know. Feminist abolitionists believe that the full, honest-to-god implementation of the Nordic model includes extensive services to aid women (and others) in exiting prostitution — and given our beliefs about what prostitution is like for at least the vast majority of those in it, exiting prostitution counts as improving one's life.

For those who remain in prostitution despite the availability of exit services — well, yes, they will complain that the criminalization of johns worsens their lives by shrinking their customer base (somewhat; no one claims it goes away entirely by a long shot — there are a good many men who are pretty determined to buy sex, regardless, it seems). I'm not very moved by these complaints, since I don't think they have some inherent right to earn a living in this particular way when other decent options are available (which, by hypothesis, they are in this case).

0



David Wallace · August 16, 2015 at 10:05 am

With (3) I'm not concerned (not so much, anyway) with the economic harm caused to sex workers by reducing their customer base; I'm talking about the risks and dangers they get exposed to by having to work in an underworld industry rather than a legal, regulated industry. Even if they won't personally be prosecuted, they're being deprived of a lot of legal protections and regulatory oversights.

If we could be completely (or even fairly) confident that pretty much everyone currently doing sex work will be helped to exit, then that doesn't matter: anyone not happy with the lack of legal protection they get can just leave. But I'm deeply sceptical that will be the case. That's the point of the analogy with the War on Drugs: criminalisation certainly makes life harder for addicts; theoretically that doesn't matter because everyone has access to exit routes out of addiction; in practice that turns out to be really optimistic.

If you could wave a magic wand and end all sex work, I'd see that the case for waving it might well outweigh the libertarian counter-case. But then, I probably think that about waving a magic wand and eliminating all use of hard drugs. In the meantime, "extensive services to aid women (and others) in exiting prostitution" sounds like a very good idea. But why can't those be put in place even while legalising sex work? The two issues seem to be distinct.

👍 0

Report



Kevin · August 16, 2015 at 12:12 pm

I don't think the analogy to addictive substances holds up very well. On the face of it, they do have similar attributes: both tend to be discussed in light of how the government should treat consensual harms, and programs exist to help people exit, should they wish, for example. While becoming addicted to a hard drug like (say) heroine is harmful there is a clear medical consensus on why this is so. One of the reasons treating drug addicts as criminals is unjust is because it makes a certain amount of sense to treat them as if they had a disease (and some countries do this explicitly). The reason exit support exists for people who have become addicted is because – on a biological level – they can have great difficulty, especially without support. Prostitution simply isn't intrinsically linked to akrasia like drug addiction is, quite the opposite in fact. Leaving the ongoing changes in marijuana laws aside, Cigarettes can be addictive, are highly regulated, are aggressively combated by federal agencies explicitly to get people to quit, and (because it is profitable for drug companies to do so) have many options to help them quit.

But more to my point, the medical/disease view of drug addiction allows a second vantage point which offers an alternative way for the state to consider drug addiction. Because it doesn't seem plausible to treat prostitution as if it were some kind of disease, it's difficult for me to see on what grounds a legislative body can (1) have the view that prostitution should be (fully, including buying and commercializing) decriminalized and (2) have the view that robust exit-services should be available without appearing infantilizing. How could a government provide housing, counseling, job preparation, education, medical services, food, for people wanting to leave the industry if their official stance was that the trade was perfectly respectable and was even considered a necessary service?

(I do see that many of the services provided through exit-programs could be diminished or eliminated entirely by other changes, like better drug policies, and could even be diminished by decriminalizing prostitution itself. But I do not know to what extent.)

It varies by state here in the U.S., but in Texas, in order to keep unemployment benefits, you must "apply for and accept suitable full-time work." I'm sure the exception would be made regardless, but it is difficult for me to see how a state can decriminalize, regulate prostitution just like any other business, maybe set up an independent regulatory commission to ease the transition, and then turn around and say that prostitution is not suitable full time work (under

pain of having people choose between unemployment benefits or prostitution). This may be able to be fully addressed depending on what kind business model a certain brothel would adopt (or be forced to adopt) – whether they only offer part-time contracts (and then fight to not provide benefits in a trade which I should think needs them most) or whether their employees are salaried (and then face the “suitable full time work” for the purposes of employment dilemma), etc. Rebecca’s concern above about resulting demand, and the incredibly low barrier to entry, are major problems here as well, and I don’t see (currently) a principled way to resolve the issue.

The point being is that full decriminalization of selling, buying, and commercializing sex is going to require a rethink or reformulation on a much wider scale than just that industry; it’s not clear to me that a principled way of dealing with the myriad connected issues are available yet.

👍 0

Report



grad student · August 16, 2015 at 12:44 am

Does FULL decriminalisation really improve the lot of sex workers though? My understanding is that countries that implemented full decriminalisation (such as the Netherlands) have seen an increase in trafficking and no demonstrable increase in the reported happiness of those in sex work.

👍 0

Report



David Wallace · August 16, 2015 at 12:49 am

To graduate student (sorry for double-posting; your comment appeared while I was writing):

1) the semi-libertarian answer: I am in a certain way objectively harmed by giving up my kidney or limb. Having done so, I no longer have that kidney or limb, and it’s kind of useful. To suppose that I am harmed by having sex for money requires a rather different value judgement, and – at the least – we might want to pause when (some given category of) sex workers themselves say that they don’t feel harmed. At the extreme (and I’m quite sure you don’t intend this yourself), equating the harm of organ donation with the harm of selling sex buys into very regressive conceptions of female sexuality and the value of purity.

2) the (more important) pragmatic answer: we don’t have a widespread, ubiquitous, worldwide organ-donation industry in which large numbers of people are engaged in serial organ donation over an extended period. So there’s much less reason to worry that we’re harming a large population of vulnerable people by criminalising organ donation.

👍 0

Report



Komal · August 16, 2015 at 1:45 pm

I’m shocked at the analogy Dan made between smiling when you receive a stack of papers (which you can easily get away with not doing, especially if you’re an established prof) and pretending to enjoy extremely invasive and often violent and dangerous sexual acts. I’m pretty sure if he was given the choice between smiling while a man — physically bigger and stronger than him and capable of causing him harm if he resists — did to him what men often do to women in prostitution (I’m not going to describe it, but look it up), and smiling as he receives a stack of papers that are tedious to read, he would choose the latter. The relevant disanalogies between the types of work are the extent to which one maintains boundaries, the extent to which one maintains physical safety and dignity, and the personal and self-expressive nature of sexual attraction and sexual activity (this is related to the boundaries point).

Being expected to smile when you don’t mean it in a normal social context, to maintain ‘good manners’ — I should mention that I believe no one should ever do this or be expected to do it because I am a believer in complete sincerity all the time –, doesn’t take that much out of a person, and the purpose of it is to put frightened students at ease. Being expected to smile when you are being degraded, hurt, and exploited in a highly intimate (and therefore boundary-violating) way is the worst insult to add to the injury, because it amounts to not only oppressing someone but expecting them not even to have the self-respect to dislike being oppressed. The purpose of that is either to assuage the guilty conscience of an incoherent client who hasn’t yet realized (because he doesn’t want to realize) that the very

motive for his wanting to see the smile is a reason for him not to engage in the act and not to command the smile in the first place (which is valueless if insincere anyway), or to further satisfy the sadism of the client who relishes in his ability to control and humiliate the person he is exploiting by commanding a means by which they express their emotions in addition to their body.

I also want to point out that the fact that many of the problems inherent to prostitution exist in other industries is not a very good reason for its legitimacy, or even for its decriminalization. Differences of degree can be legally relevant, and if prostitution is more objectifying, etc. than other kinds of work then that can be a good enough reason to treat it differently (e.g. attempt to abolish it but not other kinds of industry). Abolitionists do not have to show that prostitution is uniquely evil in kind, though I happen to think it falls under a class that is uniquely evil because of the unique kind of objectification involved in it (refer to my first comment), among other reasons. It should be noted FWIW that many of the people who oppose prostitution are also against exploitation of labour in general.

I am not going to say that the problem with analogies like Dan's is that they are too abstract, or that people take conversations on this topic to an abstract place. The problem is that these pro-prostitution arguments are psychologically unrealistic, and ignore extremely important details about human nature. This is not being too intellectual or living in an 'ivory tower': it is an intellectual failing.

👍 0

Report



Rebecca · August 16, 2015 at 2:38 pm  
Beautifully said, Komal; thank you.

👍 0

Report



Jean · August 16, 2015 at 2:40 pm

David, I don't think the idea is that prostitutes are harmed by having sex for money. The idea is that they're harmed by having sex with people they find loathsome or repellent. And then there's the further thought that the harm isn't completely mitigated by the fact that they accepted payment for enduring the harm. I wouldn't say this analysis applies universally, but I would say that it applies in a significant percentage of cases and that someone who purchases the services of a prostitute often can't know what harm they're causing, because part of a prostitute's job is appearing to be not just unharmed but positively ecstatic.

👍 0

Report



Dan Demetriou · August 16, 2015 at 3:55 pm

Komal, I want to address your worries. Clearly, we are at opposite ends of some sort of spectrum—you already expressed concern about sexual desire even between people in mutual and loving relationships, and I don't worry about that stuff at all. But maybe I can say something to ease your anxieties about sex work.

You think supporters of the sex industry are psychologically unrealistic. I think the opposite is true. There are billions of people in this world, and not all of them see sex as intimate, as exposing some sort of vulnerability. Nor do they see the \*same sorts of sex\* as intimate, degrading, etc. For instance, many sex workers won't kiss johns. It's strange to think that intercourse could be less intimate to someone than kissing, but there you go. I recall, about 15 years ago, hearing from students that saying "I love you" was way more intimate and scary than fucking a person. This is now a widespread sentiment that would be absurd to my parents' generation. Dworkin thought that shaving your pubic hair could only be motivated by trying to appear neotenous to pedophiles. Now it's almost universally preferred among people under 40. My mother-in-law flatly said to my wife that oral sex was something only prostitutes do. To my mother, my father's dominance in the household wasn't at all degrading, but if he asked to fuck her up the ass, she'd probably have burned our house down! And on and on.

Lots of travel, reading of literature, and study of anthropology will reveal that the human mind is capable of a tremendous amount of variation on the question of what's sexually degrading. Japanese geisha culture. Greek pederasty, and pederasty in China, Africa, everywhere. Hellenistic Orphic sex cults. Roman empresses competing with prostitutes to see who could fuck more men. Tahitians offering sailors sex freely, to their bewilderment. Shaking a

woman's hand in a conservative muslim country. Polygamy: I lived in an elderly (and aristocratic) African woman's house last summer who told me about how she chose two wives for her husband while he was away on business, totally without his permission. She chuckled about how they used to call her their husband.

What's amazing is that, despite the cultural diversity visavis what's sexually objectionable, intimate, and so forth, we as humans naturally tend to be extraordinarily parochial about sexual norms (as we are food taboos). So we find people who cannot simply "see" the horribleness of their lifestyles shocking. I think you can rest assured that in most cases, people have some sort of realm that they keep private, for love and self-respect and self-identity, even if they draw the lines in very different places indeed.

On the matter of friendly service and degradation, let me quote a mini-debate that took place on Reddit last year between two sex workers on precisely this matter. The question that kicks off this exchange is from a man (choc\_sauce) who is interested in hiring a prostitute, but is a little intimidated.

----

choc\_sauce

What is the demographic for your most common clientele?

AngieNash42

Age-wise, mid thirties to mid forties. I also draw the nerdy/aspie (their term, not mine!) crowd because I'm First-Timer-Friendly, and a big geek/nerd myself 🤪

choc\_sauce

ah ok cool! Thanks for answering! 😊 Would you say most sex workers are First-Timer-Friendly? And would you recommend letting them know if it is your first time?

Sorry for the question bombardment.

AngieNash42

I can't speak to "most" of anything. I would like to HOPE that they are. As with any job, I have little patience for people who are just in it for the \$. If you can't put effort into what you do, and find some enjoyment out of it, FIND ANOTHER JOB! The most important advice that I give for any client, first timer or not, is make sure that you form a connection. They need to feel like you are People. Be approachable. Even a high protocol Dom/me can fit this into their mannerisms.

choc\_sauce

That's awesome that you take such a great approach to your work! Also thank you for the great answers and advice!!

AngieNash42

Thank you, and you're welcome 😊

Illyria23

I disagree about liking your job. Enjoying what you do makes it easier and more fun sure, but all it really takes is being a good actress...understanding where their mind is at and what turns them on, and focusing on playing up whatever aspect makes them want you the most. I'm just in it for \$, the ones I go for are just in it for sex. Be friendly, of course, but you don't have to develop a real "connection". I'm not here to waste anyone's time, and hopefully vice versa. Plus, it can be a security issue if they know the real you. And for me they're generally older or middle aged men...the generation gap really impedes potential friendship.

AngieNash42

There is absolutely something to be said for that! I'm more frustrated with people who are obviously just making time. My clients are not getting to know "The real me" just part of me. I have Angie and I have Self. Clients don't get to know Self. They get to know Angie. A part of me, but admittedly, one of the many masks that I wear (that we all wear, in my opinion). Angie is just part of who I am.

I don't tend to struggle for something to talk about with middle aged people because I have an interest in older books, older music, older pop culture, etc.

I find that connecting in some way fosters repeat customers. But as I said, I'm largely in it to help people. If you're not trying to help, then no connection is really required, I guess.

Illyria23

Ok.

edit: I didn't mean to imply you weren't concerned about your safety. I was talking more about the 'mask' you described, it comes in handy. You don't have to truly enjoy your job to be good at it, just develop that mask and you're good. I'm sorry to frustrate you, but yes; I am making time. I'm not there because we're bff's and I want to help them like you (which is very admirable). I'm usually not attracted to you and we probably don't have anything in common, but I'm there to act as if I am and we do. How many of my clients are going to want to talk about the latest game of thrones episode? do I want to hear about their fantasy football pics, job, children, ex wife, etc? I'm here to give you what (to feel wanted, sexy, to have sex) and to get what I want (\$) nothing more. If it's a friendship and long lasting conversation you want, you'll have to find someone else or bump up my rate.

SlutForGarrus

I wanted to down vote you, but that's technically not the right thing to do here, as your viewpoint adds to the conversation. However, to me you come off as cold bordering on sociopathic. I've known several women who worked various jobs in the sex industry (prostitutes, dancers, dommes), and none of them came off so disdainful. If I were one of your clients, I would be insulted and embarrassed to have paid for an interaction with you. (Illyria23)

Illyria23

I don't act the way I feel in front of the customers. I make them feel wanted, and they have a good time while I'm there (otherwise I wouldn't get callbacks).

([https://www.reddit.com/r/IAmA/comments/27h9eb/iama\\_sex\\_worker\\_ama/](https://www.reddit.com/r/IAmA/comments/27h9eb/iama_sex_worker_ama/))

That's real life, Komal: a mix of humanity and capitalism, like every other sustainable marketplace. This exchange doesn't represent the whole picture of course, but it's certainly not the product of a callous philosopher's fancy.

👍 0

Report



David Wallace · August 16, 2015 at 3:58 pm

Jean: yes, understood. I'm not really trying to make the case that sex work isn't (at least often) intrinsically harmful to its practitioners, for whatever reason or reasons. I honestly don't know what to think there; I have no relevant experience and experts disagree wildly. I'm trying to make the case that over and above whatever harms are caused to sex workers intrinsic to sex work, there are a battery of other harms caused by the fact that the sex-work industry is illegal and so outside the sorts of protective frameworks that exist in legal industries. So it's worse to be a sex worker in a place where sex work is illegal than it is to be a sex worker in a place where sex work is legal and regulated. That might be a worthwhile price to pay if criminalizing sex work (directly or indirectly) means many fewer sex workers – the harm we cause to those who continue in sex work is outweighed by the benefits gained by moving people out of sex work – but I'm sceptical about that – or at least, sceptical enough to be unhappy causing a substantial and concrete harm to a generally pretty vulnerable population in pursuit of it.

👍 0

Report



Jean · August 16, 2015 at 7:01 pm

In my various comments I've been focusing on the ethical issues, not the legal issues, partly in response to other commenters' comments, but partly also because I'm not 100% sure what to think about the legal issues. I'm uncomfortable with AI's new policy, but not quite sure what to think about decriminalization, for exactly the reasons you state.

👍 0

Report



Hector\_St\_Clare · August 16, 2015 at 5:53 pm

Dan Demetriou,

Thank you again for your remarks. There seems to be a strange presumption among some of the commenters here that the only valid reason to have sex with someone is because you love them, or perhaps because you're sexually attracted to them. Which makes me wonder, do these folks think \*marrying\* for money is a bad thing too, and should that be outlawed? How about \*dating\* rich guys or high-status powerful people who you aren't physically attracted to,

because you like access to power and comfort?

The old adage is, "women use sex to get status, men use status to get sex." I don't think it's quite as gendered as that, but regardless, the sex for status trade has been going on for as long as our species has been around (longer, actually: monkeys and penguins routinely trade sex for food). Marrying for money is at one end of that continuum, and casual brothel-type prostitution is at the other. I don't think that marrying or being in some other kind of long-term sex-for-status trade is at all problematic; I do think that casual sex (in general, paid or unpaid) is immoral, although only mildly so. The line between them is very difficult to draw though, which is one good argument that prostitution should be legal (in the very general sense of 'trading sex for material benefits'). I'm still baffled by the idea that having sex with someone you aren't physically attracted to is a kind of 'harm'. Says who?

I do incidentally think that prostitution should be heavily, heavily regulated (I'm pretty much a communist in terms of economics, so heavy regulation isn't a problem for me). I would outlaw pimps, brothels, etc., probably restrict the number of clients someone could have sex with in a week, and try to ensure that everyone (sex workers included) had a regular job in addition to whatever income they might make through sexual encounters.

👍 0

Report



babygirl · August 18, 2015 at 9:37 am

Relevant to this thread (especially the comments of Dan Demetriou) is this brilliant parody by Mitchell & Webb: <https://www.youtube.com/watch?v=-wQKH5F7sTE>

👍 0

Report



babygirl · August 18, 2015 at 10:04 am

I'm surprised that there hasn't been more discussion of the place of sex in a human life. Surely sex is different than a massage precisely because it's tied to forms of romantic intimacy that make up some of the goods of a human life. In this way, selling sex is comparable to selling a kidney or selling the opportunity to amputate a perfectly healthy limb. The harm done to the integrity of the person is just as real. And to \*allow\* for someone to offer economic incentive for this harm is, at the very least, undesirable. (Of course, whether or not we allow it legally, such an economic incentive may be there, and then we get into the empirical, pragmatic questions about decriminalization of the buying of sex. I take it everyone is agreed that the selling of sex should be decriminalized).

I'm also surprised that people are buying into a strict dichotomy between behavior that is coerced and not coerced, especially given recent discussions on this very site. Isn't offering money, especially to someone who needs money (and \*especially\* if they have no other options), to do something that they would not ordinarily do, a kind of coercion? One can say this and also think that it's okay to coerce someone to bring customers coffee promptly and courteously, but not okay to coerce someone to have sex with you.

👍 0

Report



David Wallace · August 18, 2015 at 11:31 am

On the empirical issues of decriminalisation, there is a (to my eyes) fairly persuasive analysis of the research at <http://www.vox.com/2015/8/18/9166669/why-legalize-prostitution> .

👍 0

Report



Patrick Lee Miller · August 18, 2015 at 12:07 pm

When most people in this discussion discuss "prostitution" they seem to be considering only heterosexual prostitution (and more specifically, transactions where the customers are male and the prostitutes are female). What about homosexual prostitution? Am I missing something? Some of the arguments presented here against decriminalizing "prostitution" apply only to the one type of prostitution. Do the people who have made exclusively those arguments endorse, by omission, decriminalizing homosexual prostitution? If not, why not? If so, a number of problems — legal and philosophical — would then arise. For example, what about trans prostitutes? Would FtM trans but not MtF trans

be permitted to sell their services legally?

👍 0

Report



Rebecca · August 18, 2015 at 2:50 pm

Wherever the Nordic model has been adopted, it has been in a wholly sex/gender-neutral way; sellers of whatever gender/sex are decriminalized, and buyers of whatever gender/sex are not. (This is so despite the fact that, in Sweden for instance, a research-based analysis of prostitution as an entrenched aspect of (and contributor to) gender inequality formed the main basis for the law's adoption.)

👍 0

Report



Patrick Lee Miller · August 18, 2015 at 3:21 pm

This is what confuses me. If the argument against decriminalization is based upon an analysis of gender inequality, shouldn't that argument permit the complete decriminalization of homosexual prostitution — that is, for buyers as well as sellers?

👍 0

Report



Jeff · August 18, 2015 at 7:36 pm

I don't think that the fact that a theoretical argument is grounded in feminist analysis (i.e., one that derives from women's experience) implies that its legal application will be limited to women. In U.S. law, at least, that simply wouldn't happen. Sexual harassment law, for example, derived from feminist accounts of how women experienced sexual quid pro quos and hostile climate in the workplace. Once enacted, however, it was not gender specific and it has been regularly used by men since then. Although the harms of sexual harassment fall disproportionately upon women, making the practice legally actionable benefits men who suffer those harms as well.

👍 0

Report



Patrick Lee Miller · August 18, 2015 at 7:53 pm

One must distinguish between (1) the history of the development of an argument, and (2) the premises still being used to warrant the conclusion of an argument.

An analysis originally developed to address gender inequality could later be broadened to encompass other sorts of inequality, without relying any longer on gender-specific premises. This is what happened in your example of sexual harassment law. To say that the broader application was invalid, as a result, would be to focus on (1) and commit the genetic fallacy. But that is not my point.

My point is that gender inequality is still being used in some of the arguments on this page as the main premise in an argument against decriminalization of prostitution. My point is thus to focus on (2), and to object that such arguments are invalid as applied to, e.g., homosexual prostitution, where the conditions of that premise do not obtain. There is no gender inequality when a man hires a man for sex.

There may be other sorts of inequality, or other reasons to object to homosexual prostitution, but they should be stated clearly so that they may be scrutinized for consistency with other standards used to evaluate analogous transactions. Until this happens, the confusion persists.

👍 0

Report



Jeff · August 20, 2015 at 12:40 am

I guess I'm not sure which arguments you're talking about that are using gender inequality as the primary premise for criminalizing some aspect of prostitution. My argument was that if

selling sex in prostitution is generally seriously harmful, and that if the number of truly willing sellers is always going to fall far short of demand, the that justifies state action to curtail demand. The argument is gender neutral on its face, though the empirical evidence that prostitution is harmful and (perhaps) the supply-demand claim in fact draws primarily on women's experience.

👍 0

Report



Grad Student · August 18, 2015 at 2:20 pm

Nor should transactions in which the customers are female be ignored. They are clearly far less frequent than the other cases, but some evidence has been coming in that the total number is definitely not negligible. There is an ongoing study at Lancaster University; once it is completed, we should know a lot more about this, and the answers might affect how we should think about policy on the issues that have been raised here.

<http://www.lancaster.ac.uk/news/articles/2015/why-some-women-pay-for-sex/>

👍 0

Report



Dan Dennis · August 19, 2015 at 12:37 am

An article in today's Independent by a prostitute in a legal brothel in America

<http://www.independent.co.uk/voices/comment/im-a-sex-worker-in-a-legal-brothel-here-are-the-five-biggest-misconceptions-about-what-i-do-10460454.html>

It is just once voice of course – I note posts above point out that the opinions of sex workers vary.

Some of the posts above point out the violence suffered by sex workers at the hands of johns and pimps. Would it not be possible in the event of decriminalisation and regulation to reduce this massively? The person writing in the article linked to above seems to have a safe working environment, for instance.

It is also worth saying that it may be difficult for highly intelligent, independent, autonomous philosophers to appreciate the extent to which individual's autonomy can be undermined by pressure, cajoling, abuse, threats, violence etc especially from individuals they have become close to, and especially when started young. For instance, look at the number of people who suffer abuse from their spouses (typically men beating wives and partners) yet repeatedly return. I met a woman in her late twenties or early thirties who had a metal plate in her jaw, and had her children taken away from her, and was encouraged into prostitution by her partner, but insisted on going back to him. He could be really lovely, and I suppose she hoped he might somehow change to be consistently nice... Consider also Stockholm syndrome.

The thing is though, if one is speaking to an intelligent apparently autonomous person, such as the woman writing the above article, can one really insist that she is not autonomous...?

👍 0

Report



Hector St Clare · August 19, 2015 at 9:18 am

Baby Girl,

Uh, the place of sex in a human life includes many, many different things. One of the most important, oldest, and most deeply rooted in our nature is, yes, sex as a medium of exchange for material resources. This is largely (not entirely) what \*marriage\* is about, when you come right down to it. For other people, in other situations, sex can be an expression of love, or something undertaken for pleasure, or for procreation. Sex \*can be\* tied to romantic intimacy, or to pleasure, but it doesn't have to be, any more than cooking a dinner for someone has to be. And the idea that 'sex as an exchange for material resources' \*detracts from\* other people experiencing sex as an expression of love, reminds me most of all of arguments against contraception (which typically revolve around the idea that sex is 'naturally' meant to be procreative, and to separate sex from procreation does violence to the sex act). It's vulnerable to the same objection: sex means lots of different things, for different people at different times.

My point remains: you're trying to outlaw or stigmatize, in principle, the exchange of sex for material resources (even between people on something of a longer-term, steady basis: sugar babies and the like exist, and include a lot of

college girls nowadays). Which in my view does violence to human nature, makes a lot of people worse off and very few better off, and finally is an infringement on a basic personal freedom.

👍 0

Report



babygirl · August 19, 2015 at 10:23 am

Food means lots of different things, to different people at different times. Same with physical fitness, etc. This doesn't mean that there isn't a proper place of such things in a human life, or that these things aren't tied irrevocably to human goods and ends. These things carry with them a normative content, whether or not that content is universally (or even widely, in a given culture) recognized.

So, UH, your "objection" rests on a non-sequitor. Eating \*just is\* tied to nutrition. Some people eat just for pleasure, some people eat to win contests, some people, sadly, eat and then barf it back up. The variety of attitudes doesn't indicate that the physical act of eating can be pried apart from its relationship to human health and ends. Similarly, the fact that there are various attitudes toward sex doesn't mean that sex isn't tied to human goods, specifically the good of romantic intimacy.

👍 0

Report



Grad Student · August 19, 2015 at 11:54 am

The two claims that (1) romantic intimacy is a required for "the proper place [of sex] in a human life" and (2) sex not connected with its proper place in life is suspect, taken together, would tell not only against prostitution but against casual sex for pleasure with no exchange of money.

Given the great number of people who derive happiness from casual sex, some of whom in fact find it a basic way of expressing their sexuality, I think that consequence gives us good reason to reject the conjunction of those claims.

👍 0

Report



Patrick Lee Miller · August 19, 2015 at 12:36 pm

This comment raises a number of questions for me. First, what is "romantic intimacy" and what is the evidence that sex is "tied to" this? (Please clarify, too, the notion of "tied to" — is it teleological, for example, so that X is tied to Y iff X is naturally aimed to Y, the way an eye is supposed by Aristotle to be naturally oriented to seeing?) Second, what is the proper place of physical fitness (or eating, or urinating and defecating, or other bodily activities necessary for living) in a human life? Finally, is there any connection between your answers to these two sets of questions? In other words, is sex a bodily activity like the others, or is it significantly different?

👍 0

Report



babygirl · August 19, 2015 at 1:20 pm

Okay, so I realize I am not going to "win" this argument or do justice to this topic on this thread, but let me just say a couple of things in response, 1st to PL Miller: 1) I guess I'm confused at the confusion. Romantic intimacy—I guess erotic love would be another way of saying it? An exclusive romantic/erotic relationship with another human being characterized by intimacy with and desire for that person. And 2) Yes, tied to, in that it's the purpose/telos of sex to contribute to this intimacy, and that sex detached from this purpose indeed does violence both to sex itself and the ability to have that kind of intimate relationship, 3) Yeah, eating is for nutrition is for health, exercise is for fitness is for health, health is a human good (This might sound spooky, I just mean that it's generally a good thing for a human if they are healthy). Sex is for romance, which is also a human good. These are imperfect analogies, and of course there are lots of ways that sex differs from eating, my original point was just that to act as if sex is this free-floating sort of activity that has nothing to do with the good of a human life (unless you decide it is so) is weird and wrong. Prostitutes are going to have complicated and troublesome

romantic relationships, if they are able to have romantic relationships at all. Shouldn't that be part of this discussion?

In response to grad student, yeah, I think that follows, but I'm suspicious of the claim that casual sex makes people happy. Or even if it makes some people happy, I don't see necessarily how that's relevant, unless you think human life aims purely at some subjective feeling of happiness, in which case I disagree.

👍 0

Report



Kathryn Pogin · August 19, 2015 at 1:31 pm

Why do you think sex workers might not be able to have romantic relationships at all?

👍 0

Report



new person on thread · August 19, 2015 at 2:01 pm

There's actually plenty of testaments online in which sex workers discuss the way that sex-for-money has impeded their abilities to have fulfilling romantic relationships. There are also a couple studies that suggest that this is the case.

Research on prostitution is contradictory and a mess, so I'm sure that you could find studies affirming the opposite of this is true.

But these are empirical matters, and the empirical data does not suggest that it's prima facie ridiculous to worry that sex workers' work will lead to difficulties in their ability to form productive intimate relationships.

👍 0

Report



Kathryn Pogin · August 19, 2015 at 3:42 pm

Right, but like you say, there's evidence to be offered to the contrary as well — but I think more importantly, there's a difference between sex workers having complicated romantic lives because they are sex workers and sex workers having complicated romantic lives because of the social and cultural conditions under which they operate, and it's not clear to me how we could easily separate these issues in order to get a reliable empirical result. My question though was really why one would think they couldn't at all rather than why one would think it would be complicated (many things can complicate our ability to have productive romantic relationships — cultural romanticizing of abusive or unhealthy relationships, objectification of women, harmful standards of masculinity, etc., so I don't think sex work would be unique in producing complications).

👍 0

Report



Patrick Lee Miller · August 19, 2015 at 1:58 pm

So let's both forget about "winning" and just see where it goes and whether we can learn something. That is why I am asking you these questions and am eager for your responses.

I'm still not sure I understand what you mean by "romantic intimacy." You define it as "exclusive romantic ... relationship ... characterized by intimacy." That is confusing because you are defining it by itself (i.e., including the definiens in the definiendum). There are other elements of your definition, though, and perhaps they can pick up the slack: "an exclusive ... erotic relationship ... characterized by desire for that person." By "erotic" I take you to mean sexual, just as you seem to mean the same by "desire". If so, we get: "an exclusive sexual relationship characterized by sexual desire." That's clear enough on its own. The problem arises when you

claim that romantic intimacy (thus defined) is the telos of sex. What is the telos of sex, one might ask? To this question you respond: exclusive sexual relationship characterized by sexual desire. That comes close to making sex the telos of sex, but is saved from circularity by the notion of exclusivity. This is the nut. You seem to think that exclusivity is crucial (natural, even) for human sexuality. This returns me to my earlier question: what is your evidence for this claim?

Your analogies are less opaque, but they nonetheless raise important questions. You think “eating is for nutrition is for health, exercise is for fitness is for health, health is a human good.” I don’t know how much weight you want to put on these analogies. For example, are they normative in the way you want sex to be? I should think so, otherwise they are not much use to you as analogies. But if they are normative, is someone doing something immoral by not eating for nutrition, but instead for pleasure? Is spinach the most ethical of foods, and sweets the most vicious? I could multiply the examples for sleeping and drinking, not to mention urination and defecation, but you might think I am making fun of you, which I am not. Rather, I think a view that makes bodily activities normative has to contend with all of them alike. Take exercise. Is there an optimal one, done for an optimal amount of time, so that best is she who does this, next best she who approximates this, and so on? Athletes often train in a way that is unhealthy — they are pushing their bodies beyond normal ranges, for the sake of competitive excellence. Is this wrong? Maybe you will say that it need not be, as health is just one human good, which may be exchanged for others. But if so, something else besides the body is being used to measure the human good, and what is that?

This brings me to my third question: the relationship between sex and the bodily analogies. If sex is just one bodily activity, like the others, there is a problem inasmuch as you measured them by health, whereas sex is not oriented towards health in the same way (if at all). But I don’t think you think sex is just one bodily activity like the others, and this is perhaps why you appeal to “romance”. I still don’t know what you mean by that (see above), except as sex with exclusivity. If so, it’s not clear why that’s important: we can eat in groups and exercise in groups, and indeed those activities are often better and even healthier that way. What is so special about sex? This again returns me to my central question: what is your evidence for the natural purpose of sex, whatever that turns out to be? What evidence is there, in other words, that sex is naturally oriented to exclusivity? Or to “romance”?

Finally, you write: “Prostitutes are going to have complicated and troublesome romantic relationships, if they are able to have romantic relationships at all.” Please note: that is also true of spies, soldiers, and philosophers.

👍 0

Report



Grad Student · August 19, 2015 at 2:19 pm

This really seems like just the Robbie George proper function account of human sexuality, with the “opposite-sex marriage” part taken out but with all the other requirements (including monogamy and romance) and the assumptions about teleology and the wrongness of non-telos-directed acts still in place. And as with the original George account, I think the best response is just to say (1) that no reason at all has been given to accept the basic assumptions and (2) that, in any case, the existence of obviously flourishing people whose sexuality doesn’t fit the restrictive confines envisaged by the account is very strong evidence against it.

👍 0

Report



Patrick Lee Miller · August 19, 2015 at 2:30 pm

It is a lot like that, but there may be a difference. Whereas George’s account is naturalistic — he thinks the natural function of human sexuality is demonstrable from the facts of biology — this account is ambiguous (so far): (a) in its analogies to bodily

activities like eating and exercise it may be grounding natural function in (bodily) health; or (b) in its appeal to "romance" it may be trying to avoid the flaws of George's strategy by invoking something non-bodily (and perhaps spiritual). This is why I have been pressing for clarification of this ambiguity, and above all for some evidence of its teleological claim.

👍 0

Report



babygirl · August 19, 2015 at 3:27 pm

Jeez, I didn't mean to be giving an account of anything. I feel like much is being read into the things I'm saying, perhaps because of the teleological language (which, by the way, I didn't introduce, although I suppose I do endorse it) ... Is friendship something "spiritual"? Or something biological? I guess I think these questions (similarly wrt romantic relationships) are unhelpful.

Is it good for people to have friends? Yes, I think so, indeed, a life without friends is, I dare say, missing something important. If some means of procuring money meant that someone was going to have extreme difficulty forming friendships, would we be right to have a suspicious attitude toward that means of procuring money? Yes, I think so ...

👍 0

Report



Jeff · August 19, 2015 at 9:03 pm

I agree that the exchange of sex for material resources has ancient roots, but it seems to me that this discussion is leaving out a pivotal aspect of that exchange, i.e., that it is gendered. Socially and historically women have been the ones exchanging sex for other things, while men have been pursuing sex for its own sake. To feel compelled to treat my sexuality as a thing to be used rather than as an expression of my sexual desire has at least the potential to be profoundly alienating. And this has been more than a potential problem for women historically, as women have been variously socialized to conceive their sexuality as a thing to be protected rather than an expression of agency. As far as I can tell, the word "slut" still carries social meaning. The madonna-whore dichotomy promotes the idea that any expression of women's sexual agency as the mark of a whore (no small irony in that the social construct of heterosexual prostitution involves a woman setting aside her own sexual desire and staging a performance around someone's else's). I raise this point because I don't think moral objections to prostitution need to rely on conservative notions about sex. Rather, one problem with heterosexual prostitution—and with traditional marriage, dating rituals, and the rest—is that they reinforce (by enacting) a noxious stereotype about women's sexuality. Were we living in a world of material equality where women and men equally bought and sold sex like futons in a yard sale, this objection wouldn't hold. But that's not our world.

For what it's worth, I don't think that this alone yields a clear position on the decriminalization issue, but it does suggest a moral objection to prostitution that has nothing to do with adhering to traditional notions of sexuality. In fact, the problem with the dominant conception of heterosexual prostitution is that it's too conservative.

👍 0

Report



babygirl · August 19, 2015 at 3:16 pm

Grad Student, I'm not Robbie George, please don't pretend that I am. Your response to his argument is in no way a response to me.

In response to Patrick Miller, I wasn't offering a philosopher's definition (nor am I interested in giving one), but just trying to explain what I meant, which I would think is fairly clear. There are many types of relationships, many types of intimacy. There are sibling relationships, friend relationships, romantic relationships, to name a few. And please don't make equivocations on my behalf; erotic ≠ sexual. (I think one difference between them is that sexual desire can sort of be a general 'horniness' (forgive the phrase) but erotic desire has an object, like a particular person, or an idea, if

you're Socrates). One characteristic of romance is exclusivity. I'm not going to say much more about it, because I think most (all?) people know generally what I mean, and I don't think I need to offer N&S conditions, or a 'definition' of romantic intimacy in order to talk about it. It's odd to me that you are pretending not to know what romance is apart from sex with exclusivity. Clearly romance is more than that.

I never said that sex for money is "immoral" — the claims I'm making here are fairly minimal, and have to do with benefit and detriment. And yes, there are improper attitudes toward food. One can be a glutton or one can be bulimic or anorexic—in these cases eating is detached from its proper end of nutrition and health. And yes, I think becoming addicted to exercise for its own sake, pushing one's body beyond what is good for it, is a problematic attitude to have toward exercise, and it can be detrimental to one's health, and thereby detrimental to one's good. One may choose, of course, to forego the good of health in order to pursue, I don't know, the good of competition or some other excellence. Fine. Let's just be clear that this is what's happening in the case of ultramarathoners et al.

Similarly, there are improper attitudes toward sex, which detach sex from its proper end of bolstering/expressing romantic love and intimacy. I think this is why prostitution, casual sex, pornography, etc. are bad news. Maybe one chooses to engage in lots of casual sex. Fine. Let's just be clear that this is not the proper place of sex in a human life, and they are (in some important way) harming themselves by doing so, hindering their ability to achieve certain goods characteristic of a human life. Offering someone financial incentive to hinder their ability to achieve certain goods characteristic of a human life is, I think, a particularly nasty thing to do.

👍 0

Report



Another anon grad student · August 19, 2015 at 5:35 pm

"the claims I'm making here are fairly minimal, and have to do with benefit and detriment"

–these claims are pretty ambitious insofar as you think that the "proper end" of sex is "bolstering/expressing romantic love and intimacy". I've never heard anyone make that claim before. It's badly in need of an argument. What I have heard before (and what I believe, unless you show me a pretty good argument that this is wrong) is that the proper end of sex is reproduction. So let me ask you directly:

\* What is your argument against the view that the proper end of sex is reproduction?

\* Is the proper end of sex the same for humans as for other animals that reproduce sexually? If not, why not?

👍 0

Report



babygirl · August 19, 2015 at 6:26 pm

No one thinks that sex is only for reproduction. The Catholic position (which is what I \*think\* you are referring to?) is that sex serves a dual purpose of union and procreation, each end contributing to the other, which, as far as I can tell, isn't inconsistent with what I've said so far, and so I feel no need to offer an argument against it. But maybe that's not your position?

👍 0

Report



Grad Student · August 19, 2015 at 7:42 pm

Are you sure you want to double down on the exclusivity requirement? If so, you're not only ruling out casual sex, but you're committing yourself to the claim that people in loving, long-term, stable, polyamorous relationships — relationships that they find may deeply fulfilling and perhaps fundamental to their lives — are actually, unbeknownst to them, suffering detrimental effects from their sexual activities in those relationships.

If you're determined to stick to that claim, of course I can't refute it on the basis of a comprehensive theory of human flourishing; I don't pretend to have such a theory. But when I think of people I know in such relationships, what I see looks enough like human flourishing, by any ordinary standard, to motivate me to modus tollens any argument leading to the conclusion that it isn't.

👍 0

Report



babygirl · August 19, 2015 at 8:35 pm

I mean, I don't think I need it to make the point. So sure, I'll back off of it (not because I think it's false, but rather because it's irrelevant). I mean, I'm on the defensive here, but the only alternative to the (again, very modest) claim that I am making, is, as far as I can tell, that sex is just whatever you make of it, that it carries no meaning or normativity beyond that assigned to it by the people engaged in that activity. So ... is that what the people in this discussion believe?

(It may be worth reiterating the original modest claim, which is that there is a proper place of sex in a human life (which may be specified somewhat generally, of course). I've made other claims trying to defend or explain that modest claim, which people may find more or less plausible, but this original claim was the only point I thought was worth making in this context).

👍 0

Report



David Wallace · August 19, 2015 at 8:28 pm

(1) "One can be a glutton or one can be bulimic or anorexic—in these cases eating is detached from its proper end of nutrition and health".

But in each case there's a clear alternative account as to why these things are bad: bulimia can have really serious health consequences if you do it over a longish period, anorexia is often fatal. I'm not really seeing the case that I should accept a "proper end of nutrition and health" being violated as the correct analysis of what's bad about bulimia and anorexia, if only on Ockham's-razor grounds.

(2) "Maybe one chooses to engage in lots of casual sex. Fine. Let's just be clear that this is not the proper place of sex in a human life, and they are (in some important way) harming themselves by doing so, hindering their ability to achieve certain goods characteristic of a human life."

Let's not. I've had several good friends (male and female) who at various points in their lives were having lots of casual sex. (Not with me, just to be clear!) In some cases it was pretty clearly a dysfunctional self-harming thing and symptomatic of other difficulties they were having. In others I've no reason to think that; they seemed perfectly happy and sorted, and (where I'm still in touch) mostly seemed to have moved happily on from one phase of their life to another and into stable long-term relationships, with no regrets. Who am I – and who are you – to say that this is all false consciousness?

👍 0

Report



babygirl · August 19, 2015 at 8:51 pm

wrt (1), I take you to be saying the same thing in a different way, I would say "there are [often] serious health consequences" because "eating is detached from its proper end of ... health". Isn't that what we mean when we call these things "eating disorders"?

wrt (2), I don't think casual sex is that innocuous, but I don't really want to get into it. Polyamory/casual sex seems to be a touchy subject for many, so I think I'll just give up this conversation, which apparently puts me in the minority, much to my surprise (I guess I learned something). Nevertheless, I'll hold onto my retrograde views that paying someone for sex is morally wrong, that being a "sex worker" is harmful to a person, as are casual sex and pornography, \*because\* they distort the place of sex in a human life.

👍 0

Report



MrMister · August 19, 2015 at 8:10 pm

I very strongly disagree that non-romantic sex impedes human flourishing in any normatively salient way (if anything, I think the opposite; free love contributes to human flourishing). Regardless, though, I think the issue is moot when it comes to decriminalization. Even if true, the claims that sex is for romance, and that other uses degrade and harm the participants, are thick value judgments of the sort that it would be inappropriate for the state to impose on those who have arrived at clear-eyed judgments to the contrary.

👍 0



**R. Fullinwider** · August 20, 2015 at 8:40 am

I invite readers to look at <http://newprostitutionwars.net> and <http://newprostitutionwarsblog.com>, both being further filled out slowly.

👍 0

Report



**LadyPhilosopher** · September 9, 2015 at 4:10 pm

I think we need to separate two distinct concerns, and each might need a different solution. Overall, I think we need to think about: what kind of a society do we want to live in? And how do we create that? Depending on the "goal," we might eschew rational arguments in favor of certain practical solutions. In other words, I think the above rational philosophical discussion is interesting, but totally useless, unless we all agree on where we are trying to get to. Someone might be happy living in a society where people sell themselves for sex, provided it's done in a safe way (Dan D?), but someone else might think that such a society has actually failed (I think that): it has either failed to provide its people with other economic options, and/or it has an ethically flawed view of interpersonal relations which might lead to greater social injustice or other problems in the society.

As for the two distinct concerns I see in the above debate:

One is the ethical concern over what prostitution does to a person's self-respect and / or social standing in society. The concern might simplistically be expressed as: if we permit the selling or buying or organizing of sexual services, will that somehow degrade the person providing those services? For example, even if the sex worker in question is not "forced" into these services (e.g. college student paying off loans faster), the worry might be that such persons might still suffer from a negative self image, or social judgment. Personally, I think this is a relevant worry. While I generally agree with Dan Demetrios that in the 21st century people should be more liberal and tolerant, I think we need to be realistic: women, and other minorities, have only become "equal" in a limited number of countries in the last ... mm....50 years???? And that's being generous. The history of (sexual and otherwise) abuse and negative image of these groups and their capabilities (which has historically been tied to sex and power relations) makes me wonder whether liberalizing the sex market will only serve to perpetuate the idea that it's ok to "use" some people. The reply might be, yes, sure, but if we legalize sex work, then such negative social biases might disappear! Maybe, maybe not, but definitely not overnight. But I think this raises the normative question of how we want to view sex in our society. Should sex just be viewed like any other physical function? To what extent does the romantic / emotional / spiritual dimension matter? Should we promote the idea that sex is somehow special, or not? Is romance a silly or a positive ideal? And how does the promotion of these kinds of values affect the standing of certain groups in our society? I think that these are very relevant questions, even in the liberal 21st century. As a woman, living in a relatively liberal country, I worry that if sex becomes publicly accepted as a commodity, and becomes viewed as such, then as a society we will no longer strive to a) correct historical injustices and b) become less empathetic and more disconnected from humanity in a certain way.

The second concern might be more pragmatic and focused on abuse and crime in society. It might be simplistically expressed as: if we permit the selling or buying or organizing of sexual services, will that lead to more physical/emotional/mental abuse of certain persons / groups in our society? This might be more of an empirical question: for example, even with regulation, a more permissive policy might in practice lead to more abuse of vulnerable groups and prevent the society from addressing the problems of those groups in a more socially positive way (e.g. educating poor people or creating other jobs for them), whilst at the same time benefitting other individuals (e.g. the high-end sex workers.) As someone who originally comes from an Eastern European country in which sex work is in the legal "grey zone" – it is pretty much permitted in practice – this is a relevant worry. As Matt brought up in his post from August 13th, such a permissive policy in my country of origin has resulted, over the last twenty years, in a huge increase in sexual slavery and human trafficking. My take-away: the culture, history, and economics of a particular region matter, and I don't think there is a one-for-all solution – never mind the "best" rational argument!

👍 0

Report



**anybody** · October 1, 2015 at 8:04 am

It is feared that if prostitution, all branches of it, is decriminalised, the trafficking will increase drastically. Instead of us

talking about this we should ask the Law enforcement officer.Can you control trafficking after decriminalization,given the present day tools like-GPS,mobile,whatsapp,etc,etc

👍 0

Report

Your email address will not be published. Required fields are marked \*



Comment

Name \*

Email \*

Website

☐ Participate in this conversation via email

Post Comment