Abstract

It is commonly believed that prostitution—i.e., the practice of indiscriminately selling sex—is morally wrong. In this paper it is argued that it is at least not obvious that prostitution is morally wrong, and that several arguments which seem to underlie the view that it is are unsound. The following claims are examined: (1) Prostitution is morally wrong because it is degrading. Several interpretations of this claim are considered, and each is criticized. (2) Prostitution is morally wrong because it promotes socially harmful consequences. The following purported social harms are discussed: the destruction of the institution of marriage, the spread of venereal disease, and an increase in crime. Special attention is given to the assertion that prostitution contributes to the destruction of the institution of marriage. This claim is challenged on a number of scores. More generally, it is argued that consequentialist claims which cite the foregoing social harms do not provide a firm basis for the belief that prostitution is morally wrong. (3) Prostitution is morally wrong because of what it is: the indiscriminate sale of sex. A number of attempts to justify this claim are discussed, and it is argued that none succeeds in establishing that prostitution is morally wrong.

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Is Prostitution Morally Wrong?

Laws against prostitution are being subjected to increasing criticism. While some critics merely advocate reform, i.e., the revision of statutes dealing with prostitution, others support complete decriminalization. Those calling for reform have claimed, among other things, that current anti-prostitution statutes tend to promote and condone invasion of privacy, entrapment, harassment, and false arrests. In addition, in virtue of alleged differences in the way female prostitutes and male customers are treated by the criminal justice system, it is asserted that current laws against prostitution are sexist. For their part, advocates of decriminalization commonly advance one or more of the following claims: (1) It is in practice impossible to formulate anti-prostitution statutes which would not have some or all of the aforementioned undesirable features. (2) Enforcing laws against prostitution diverts scarce criminal justice resources away from more important objectives. (3) It is illegitimate to use the legal system, and in particular, the criminal law, to enforce (private) morality.

1 The seriousness of the latter charge is suggested by the fact that in one month alone—November 1979—two women won a total of $18,500 in damages from the city of New York for mistaken prostitution related arrests. One of the two women is also the plaintiff in a suit challenging the constitutionality of the New York state statute under which she was arrested. This information was reported in Joyce Purnick, "Woman Jailed as a Prostitute Wins Damages," New York Times, City Ed., 24 Nov. 1979, p. 25. For a discussion of problems related to the enforcement of anti-prostitution laws see Donal E. J. MacNamara and Edward Sagarin, Sex, Crime, and the Law (New York: The Free Press, 1977), pp. 105-111.

2 Acknowledging an unfair difference in the treatment of prostitutes and their patrons, the mayor of New York recently requested that city-owned radio and television stations broadcast the names of men convicted of patronizing prostitutes. Mayor Koch suggested that the program be called the "John Hour." One such program was aired on October 23, 1979. But in view of the negative response to Koch's proposal, it appears unlikely that the experiment will be repeated.
It is noteworthy that none of these objections to laws prohibiting prostitution challenges the view that prostitution is morally wrong. Perhaps this is due in part to the fact that prostitution is strongly condemned by conventional sexual morality, which is either widely accepted, or at least paid lip service. Not challenging the belief that prostitution is morally wrong, then, may well be a sound strategy for advocates of reform or decriminalization. But this issue should not be avoided by philosophers. In this paper I will argue that it is at least not obvious that prostitution is morally wrong and that several arguments which seem to underlie the view that it is are unsound. I will begin with a few preliminary remarks about the specific nature of the problem which I want to discuss.

I

In the following my concern will be limited to female prostitution. Female prostitution was and is by far the most prevalent form of prostitution, and it has received and continues to receive considerably more public attention than male prostitution. Studies of prostitutes tend to be restricted to female prostitutes; and novels, plays, and films which deal with prostitution tend to focus upon female prostitution. In the past it was female prostitutes who were the primary objects of so-called "crusades" against prostitution; and they continue to be the main target of arrests on prostitution related charges today. Moreover, I think Kingsley Davis accurately captures the prevalent attitude toward male (heterosexual) prostitutes when he claims that they "are condemned...for taking an unmasculine role." Men who adopt an "unmasculine role" are likely to encounter social ridicule, not moral condemnation. Hence, if Davis is correct, the moral condemnation of prostitution is directed primarily toward female prostitutes. In any event, there is no reason to think that arguments which fail to establish that female prostitution is morally wrong might nevertheless provide a sound basis for concluding that male prostitution is morally wrong.

There are a number of perspectives from which one might explore the morality of prostitution. One might, say, inquire into the moral character of women who have become prostitutes; one might ask whether prostitutes deserve moral blame; or one might ask whether the act or practice of prostitution--i.e.,

the activity of the prostitute qua prostitute—is morally wrong. In this paper I will adopt the last of these three perspectives. That is, I shall take the assertion that prostitution is morally wrong to mean that the act or practice of prostitution is morally wrong. Thus my concern is with moral judgments concerning the activity of prostitution, not prostitutes. Surely, one can't intelligently address the question whether adopting a life of prostitution is a sign of a flawed moral character until one is clear about the morality of the activity of prostitution. This is not to deny that judgments about prostitutes are colored by the belief that they are also involved with drugs, crime, and various other unsavory activities. But it is unlikely that the moral condemnation of prostitutes would cease if it were conclusively established and recognized that, apart from their "professional" activities, prostitutes are generally paragons of moral virtue. In any event, it is important to consider whether there are sound reasons for the belief that the act or practice of prostitution is morally wrong.

For the purposes of this paper, it will not be necessary to engage in what might well be a fruitless search for an exhaustive list of uncontroversial necessary and sufficient conditions of prostitution. Although there is some disagreement among those who have written on the subject, selling sexual services and promiscuity are frequently cited as defining characteristics. These two characteristics will suffice for the purposes of this paper. It is worth noting that the two are not unrelated. For insofar as a prostitute seeks to earn money by selling sexual services, promiscuity appears to be a sound business practice. Surely one needn't have an M.B.A. to recognize that sellers of goods or services generally should be prepared to sell to any buyer who can pay. In particular, business would suffer if sales were restricted to buyers who pass specific aesthetic, psychological, or moral tests, or who are personal friends or acquaintances of the seller. Still, a prostitute need not be completely indiscriminate. She might refuse, say, to perform certain types of sex acts, or to accept certain classes of persons as customers (e.g., members of particular racial, ethnic, or religious groups); and some prostitutes may have only a few regular customers. Nevertheless, prostitutes tend to be relatively indiscriminate concerning with whom and under what conditions they will engage in sex. Prostitutes generally do not restrict their clientele to men whom they know personally and to whom they are sexually attracted; and prostitutes normally do not perform sexual acts only when they

4 For a discussion of several proposed definitions of prostitution, see MacNamara and Sagarin, pp. 97-99.
are sexually aroused. Rather, they commonly engage in sex with perfect strangers, whom they might find unattractive, anytime during "working hours."

One final preliminary remark: I have said that my concern is with the claim that prostitution is morally wrong. I shall take this assertion to imply that acts of prostitution are morally impermissible, that there is a prima facie moral obligation not to engage in the activity of prostitution, and that strong condemnation is appropriate and justified. It is important to distinguish between a claim of this type and the significantly weaker (and, I think, uncontroversial) claim that prostitution fails to match up to a perfectionist ideal or that other forms of sex are more meaningful and valuable. To be sure, attitudes toward sex appear to be loosening up somewhat. But there does not seem to be any significant change in people's evaluation of prostitution. Consequently, it is still widely believed that acts of prostitution are morally wrong; and I think that a critical examination of that belief is called for.

II

One common argument against prostitution proceeds by claiming that it is inherently degrading or demeaning. So let us begin by considering whether this claim provides a sound basis for concluding that prostitution is morally wrong.

Is prostitution inherently degrading? To be sure, it is likely that the widespread belief that prostitution is immoral produces a diminished sense of self-respect among prostitutes. But this fact is irrelevant in the present context. For insofar as it is the moral condemnation of prostitution which makes it demeaning for women to perform acts of prostitution, it would be incorrect to claim that prostitution is inherently degrading. If prostitution is degrading only because it is thought to be immoral, then it clearly cannot be claimed that prostitution is morally wrong because it is degrading without begging the question.

It is undeniable that many aspects of the actual lives of some women who have become prostitutes are hardly compatible with a sense of self-respect. It is doubtful that most women travel voluntarily down the road toward prostitution, and that road is often paved with hardship, misfortune and rejection. For women who are poor, uneducated, or unemployed, and for women who have been sexually abused, prostitution can
represent one more of life's brutal insults. And for some, especially common prostitutes or streetwalkers, the life of prostitution is characterized by fear, exploitation, drug abuse, illness, and loneliness. Undoubtedly such a life is not conducive to a sense of dignity or self-worth. But citing such current social realities does not show that prostitution—i.e., the practice of indiscriminately selling sex—is inherently degrading. In order to do this, it is necessary to show that there is something in the nature of prostitution itself, and not extrinsic factors like those cited above, which makes it degrading.

It might be thought that the Kantian principle which forbids us from treating others exclusively as means for our own ends supports the proposition that prostitution is demeaning. That is, it might be claimed that the customer treats the prostitute exclusively as a means and, consequently, in a degrading manner. But why does the patron violate the Kantian dictum? Is it because he treats the prostitute as nothing more than the provider of the service(s) for which he has paid? If so, then a similar claim could be made about the prostitute. For it might just as plausibly be claimed that a prostitute treats her patron as nothing more than the provider of a fee for her services. Moreover if it is asserted that the prostitute and her customer treat each other exclusively as means in virtue of the fact that their's is nothing more than an impersonal seller-buyer relationship, then strictly "professional" business and commercial transactions generally would be morally suspect. On this interpretation of the Kantian dictum, then, there would be no significant difference between, say, a real estate agent who treats her client as nothing more than a client (i.e., who has a purely "professional" relationship with her client) and a prostitute. Nor would there be a significant difference between someone who treats a shoe salesman as nothing more than a seller of shoes on the one hand, and a person who regards a prostitute as nothing more than a seller of sexual services on the other hand. I am aware of the fact that there are those who would want to criticize all capitalist economic transactions. But the claim that prostitution is neither better nor worse than all other capitalist acts clearly runs counter to the intuition that there is something distinctive about prostitution and that it merits particularly strong condemnation. Thus unless it is shown that prostitution violates the Kantian principle in a way in which other seller-buyer relationships do not, that principle can hardly be used.

\[5\] In the final section of the paper I will discuss what I take to be a significant difference between prostitution and other capitalist acts.
to support the common belief that there is a significant
moral difference between prostitution and other such relation­ships.

But, it might be claimed, there is a feature of the pros­titute-patron relationship which makes it particularly
reprehensible: That relationship is inherently one of domi­nation and control. The role of the prostitute is by its
very nature one of subservience, and it is in virtue of this
feature that prostitution is inherently degrading and immoral.

There are a number of problems with this line of argument.
For one thing, it tends to overlook the fact that in virtue
of her role as an "entrepreneur," the prostitute is able to
enjoy a certain amount of (economic) independence, particu­larly from men. Moreover as the seller, the prostitute is
not completely subservient to the customer. She can refuse
to sell her services to a prospective customer altogether,
refuse to provide certain kinds of services, demand more
money, etc. This, of course, would apply only in cases
where a prostitute's overall economic situation allowed her
such freedom. But insofar as some prostitutes are in such
a position, the fact that others are not as fortunate can
hardly be cited in order to show that prostitution is
inherently degrading.

In addition, from a psychological perspective, some
prostitutes (especially those who are not common prostitutes
or streetwalkers) have asserted that it is the prostitute, and
not the patron, who is in control. As one former call girl
put it in an interview with Studs Terkel: "I was in control
with every one of those relationships. You're vulnerable if
you allow yourself to be involved sexually. I wasn't. They
were. I called it. Being able to manipulate somebody
sexually, I could determine when I wanted that particular
transaction to end. 'Cause I could make the guy come. I
could play all kinds of games. See? It was a tremendous
sense of power."6

I of course do not want to deny that some, perhaps many,
prostitutes actually experience humiliation and degradation--
at the hands of pimps, madams, and customers. All I want to
claim is that a detailed list of "horror stories" involving
particular prostitutes would fail to show that there is
something inherently degrading about the activity of selling

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sex. Perhaps it will be helpful to compare prostitution to some other practices which are thought to be degrading. Two of these are extreme servility and sado-masochism. It does seem to be degrading to adopt a completely servile attitude or to voluntarily subject oneself to pain and abuse at the hands of others. But what reason can be given to support these assessments? In both cases, it would not be too difficult to show that the person in question fails to acknowledge and/or recognize his or her status as a person with equal moral standing. This is probably clearer in the case of the servile person; but it is also doubtful that persons who voluntarily subject themselves to considerable pain and abuse acknowledge their worth as persons. However, in the absence of any of the particular circumstances mentioned above, it is not at all clear that anyone who sells sexual services is ipso facto failing to acknowledge her status as a person with equal moral standing. Hence it remains to be shown that, like sado-masochism and servility, prostitution is inherently degrading or demeaning.

Moreover, suppose it were shown that prostitution is an inherently degrading practice. Then it is important to distinguish between two different claims: (1) It is wrong for clients to use prostitutes because it is wrong to subject others to degrading treatment. (2) The act of prostitution is wrong because it is wrong to act in ways which are demeaning to oneself. Since we are considering the proposition that the act of prostitution is morally wrong, it is only the second claim which is of concern to us here. Hence, before it can be concluded that prostitution is morally wrong, it has to be shown that it is wrong to engage in activities which are demeaning or degrading to oneself. This would

7 One psychoanalyst who had several call girls as patients concluded that women who become prostitutes unconsciously seek self-degradation: "Because of early deprivation (i.e., lack of love and affection from their mothers) and their rage at this deprivation the girls also turned to self-abasement and self-degradation. By degrading themselves, by lowering themselves, they punished their mothers for what they had not done for them, mothers who had repeated at various times: 'I don't want you to be a bum. I don't want you to be a whore.' Their mothers had actually taught these girls how to hurt them most." Harold Greenwald, The Elegant Prostitute: A Social and Psychoanalytic Study (New York: Walker and Company, 1970), 148.

8 For an argument in support of the claim that persons have a duty to respect themselves, see Thomas E. Hill, Jr., "Servility and Self-Respect," The Monist, Vol. 57, No. 1 (Jan. 1973) pp. 87-104.
involve showing that a particular class of so-called "self-regarding" actions is morally wrong. But claims of this sort have been the subject of considerable philosophical controversy. Consequently, the current strategy does not seem to recommend itself as one which is likely to provide a firm basis for the view that prostitution is morally wrong.

Of course it still might be claimed that it is demeaning to women to be placed in a situation where their "best" available alternative in life is to become a prostitute. I am sympathetic to this line of criticism. But, it is important to add, I don't think that it implies or presupposes that the practice of prostitution itself is morally wrong. Rather, what seems to underlie this position is a concern for the autonomy and well-being of women, together with a belief that women would not choose a life of prostitution if they had meaningful alternatives. In any event, no basis is provided for the belief that acts of prostitution are morally wrong.

III

Another common form of argument against prostitution is that it promotes socially harmful consequences. The most frequently mentioned of these alleged social harms are the destruction of the institution of marriage, the spread of venereal disease and an increase in crime. I will begin by considering the claim that prostitution is morally wrong because it has a destructive effect on the institution of marriage.

First, a word of caution: It is important not to confuse the claim at issue, an empirical claim, with the conceptual claim that prostitution is contrary to the norms of (monogamous) marriage. To be sure, prostitution—and a host of other practices including "open marriages" and adultery—are contrary to those norms. But it does not follow that the elimination of prostitution would do more to promote the survival of the institution of marriage than would its toleration. It is an empirical claim of this type, and not a conceptual claim, which underlies the argument under discussion.

In response to the claim that prostitution has a destructive effect on marriage arrangements, some sociologists and psychologists have asserted that prostitution tends to protect the institution of marriage in a number of important
Two of the alleged instrumental benefits of female prostitution are the following: (1) It provides an opportunity for sex without emotional involvement and attachment for married men who still feel committed to their wives, but whose sexual interests are not (completely) satisfied by their wives. If there is no emotional involvement, the marriage is less likely to be threatened. Husbands will be less likely to feel that a divorce is necessary or desirable. And wives tend to be more accepting of an occasional visit by their husbands to a prostitute than they are of a "serious affair." (2) Insofar as a society's sexual mores incorporate a double standard, whereby the prohibition against pre-marital and extra-marital sex is applied more stringently to women than to men, prostitution helps to maintain a supply of "marriageable" women and to protect the "virtue" of married women, and, hence, their marriages. From the perspective of maintaining marriage arrangements, then, prostitution may have beneficial effects which outweigh whatever detrimental effects it may have. In any event it would seem that defenders of the argument under discussion have to seriously consider the aforementioned and other possible effects of prostitution before they can reasonably conclude that its elimination would do more to promote the survival of the institution of marriage than would its continued existence.

See, for example, the essay by Kingsley Davis cited above and Harry Benjamin and R.E.L. Masters, Prostitution and Morality (New York: The Julian Press, Inc., 1964).

"The prostitute is almost never a rival to any wife. She is neither a destroyer of marriages nor a disrupter of family life. She merely renders sex as service, nothing else. The wife who is willing to terminate an otherwise satisfactory marriage on account of a prostitute is usually a moral fanatic, a fool, or both." Benjamin and Masters, p. 437.

See, for example, Davis, p. 284. According to Bullough, not long after Louis IX of France enacted a statute against prostitution, there were complaints to the king that "since prostitution had been outlawed, it was increasingly difficult to protect honest wives and virtuous daughters from lecherous attacks." See Vern L. Bullough, The History of Prostitution (New Hyde Park, New York: University Books, 1964), p. 112.
However the argument against prostitution need not claim that the institution of marriage is best protected by eliminating prostitution. It might be conceded that prostitutes can serve a number of useful functions. But, it might be argued, it is still essential that people believe that prostitution is morally wrong. In the absence of that belief, prostitution would have a damaging effect upon marriage. If married men did not believe that prostitution is morally unacceptable, they would be likely to visit prostitutes with a frequency that would surely have a negative impact upon their marriages. Worse yet, if single men did not accept the belief that prostitution is morally wrong, they might come to question the value of the institution of marriage. For their part, women might be more inclined to become prostitutes rather than wives.

There are a number of problems with this revised form of the argument against prostitution. For one thing, if a negative evaluation of prostitution is required to provide women with an incentive to become "respectable" wives rather than prostitutes, one has to question whether the particular form of marriage arrangement at issue ought to be protected. Moreover if a married man's commitment to his wife is so tenuous that his marriage will survive only if he believes that prostitution is morally unacceptable, one has to question whether that particular marriage should be preserved. Or, suppose that but for a belief that prostitution is immoral, certain males would opt for regular visits to prostitutes in place of marriage. Is it really desirable to provide them with the needed additional incentive to marry? All of this indicates that the present argument is incomplete in one very important respect. It remains to be shown that the types of marriages which, in the absence of a belief that prostitution is morally wrong, would not have taken place, or would not have lasted, ought to be encouraged or protected all things considered.

But suppose it could be shown that a particular form of marriage ought to be protected all things considered and that it is best protected if both of the following conditions obtain: (1) It is generally believed that prostitution is morally wrong. (2) Prostitution exists and is tolerated. Still, it would not have been shown that prostitution is morally wrong. For at most it would be warranted to conclude that it is desirable that men and women believe that prostitution is morally unacceptable and that this belief should be

12 The need to consider this line of argument was brought to my attention by Alan Wertheimer.
promoted. Moreover, insofar as it is conceded that prostitution serves an important function and should be tolerated, it cannot consistently be claimed that it is desirable to promote the belief that acts of prostitution are morally wrong. For the proposition that prostitution is morally wrong implies that acts of prostitution are morally impermissible and that strong condemnation of prostitution is appropriate and justified. But, then, it would seem that the belief that prostitution is morally wrong runs counter to the assumption that it serves an important function and should be tolerated. At the very least, there is something very unsavory about promoting the belief that prostitution is morally wrong while at the same time acknowledging that it would be undesirable for the practice to disappear entirely.

The other two consequentialist arguments against prostitution which I referred to earlier are hardly more conclusive. One alleges that prostitution is morally wrong because it leads to an increase in crime (e.g., assault, robbery, extortion, drug abuse); and the other involves the corresponding claim with respect to venereal disease. As in the case of marijuana use and the consumption of alcohol during the Prohibition era, it is not clear whether these alleged undesirable consequences of prostitution, insofar as they occur at all, are a result of the practice itself, or of the circumstance that it is illegal. Comparative studies of societies in which prostitution is legal and illegal might help answer this question. But it is not necessary to pursue this line of inquiry here. For there is a common problem with all such consequentialist arguments against prostitution which casts considerable doubt upon their significance in the present context. The problem to which I am referring is this. Whereas consequentialists argue that prostitution is morally wrong because of what it leads to; the common belief that prostitution is seriously immoral appears to be based primarily upon a consideration of what it is. Take, for example, the claim that prostitution is morally wrong because of its destructive effect upon the institution of marriage. Now whatever its effects, prostitution is surely no more detrimental to marriage than say, the adoption of a celibate lifestyle. In this respect, then,

13The sexual revolution of the 60's seems to have spawned a backlash of sorts: According to recent reports I have heard, it is currently "in" (at least in some circles in California!) to declare a vow of celibacy. Apparently even some married couples are participating in this practice. Needless to say, my comments in the text refer to persons who decide to remain celibate and single.
celibacy is at least as bad, as, if not worse than, prostitu-
tion. But, one is tempted to respond, there is a decisive
difference between the two: Prostitution does, and celibacy
does not, possess (intrinsic) features which make it objec-
tionable. Moreover, it is doubtful that the belief that
prostitution is morally wrong would be significantly shaken
if there were evidence which conclusively demonstrated that
prostitution, if decriminalized, would not promote the destruc-
tion of the institution of marriage, the spread of venereal
disease, or an increase in crime. At most, those who
believe that prostitution is morally wrong might, depending
upon their conception of the nature and purpose of the cri-
minal law, concede that such evidence supports the case for
decriminalization. It seems, then, that the belief that
prostitution is morally wrong is not based primarily upon
such consequentialist considerations.

IV

It remains to consider the claim that prostitution is
morally wrong because of what it is: the indiscriminate
sale of sex. No doubt many people condemn prostitution
because they believe it is morally wrong to (indiscriminately)
sell sex. But it is not clear why it should be considered
morally wrong to do so. Steelworkers, secretaries, dairy
farmers, teachers, accountants, lawyers, corporate executives,
and prostitutes all sell goods and/or services more or less
indiscriminately. So what justifies singling out the activity
of prostitutes for particularly harsh moral condemnation?
The following suggests itself as the most obvious answer:
There is something distinctive about sex which justifies a
strong moral condemnation of the indiscriminate selling of
sexual services. But how can this claim be justified?

One possible answer to this question is the following:
It might be claimed that sex is morally permissible only for
the purpose of procreation, and that prostitution is wrong
because prostitutes engage in sex in order to make money,
not babies. (Pregnancy would seriously threaten "business.")
However, this answer is hardly very helpful. For one thing,
it would fail to distinguish between acts of prostitution and
any other sexual activity which is not engaged in for the
explicit purpose of reproduction— from masturbation, playful
necking and petting, and intercourse for the sake of nothing
else than pleasure, to intercourse between a married couple
who are in love but who either don't want, or can't have
children. Hence this answer to the question would fail to
provide a basis for the belief that the act of prostitution
is in a class by itself and merits particularly strong con-
demnation.
More importantly, the proposition that sex is permissible only for the purpose of procreation is highly questionable. It would be implausible to claim that it is a basic moral principle; and it is doubtful that it is derivable from any such principle. Indeed it is likely that its defense would require an appeal to religious doctrines. In any event the proposition that sex is permissible only for the purpose of procreation is far more controversial than the assertion that prostitution is morally wrong. Hence the former hardly provides a firm basis for the latter.

A less controversial and at first sight more fruitful approach involves an appeal to what I shall refer to as the "sex-as-love ideal." According to this ideal, sexual activity is most valuable and meaningful when it expresses and reaffirms each partner's love of, or affection for, the other. Unlike sex between (other) animals, human sex can be something over and above mere instinctual and pleasurable physical activity. It can be, and at its best is, a "higher order" symbolic or expressive act.

A critique of prostitution by means of the sex-as-love ideal might then proceed in the following manner. Insofar as sex is viewed as nothing more than a means of obtaining money, it is clearly devoid of the symbolic or expressive significance associated with the sex-as-love ideal. But that is precisely the prostitute's attitude toward sex. To a prostitute sex is simply a service to sell to anyone who will pay the price. Clearly, then, prostitution is a paradigm instance of sexual activity which fails to conform to the sex-as-love ideal. Consequently, prostitution is morally wrong.

This argument has one apparent advantage over the argument from reproduction discussed earlier. The current argument allows for a distinction between prostitution and other instances in which sexual activity is not engaged in for the purpose of reproduction. Thus, for example, from the perspective of the sex-as-love ideal there is a significant distinction between an act of prostitution, on the one hand, and intercourse between a married couple who are in love but who either don't want, or can't have, children, on the other hand.

I have decided to speak of sexual activity in general, rather than sexual intercourse in particular, for two reasons. First, the sexual services performed by prostitutes are not restricted to intercourse, and it is doubtful that the degree of moral condemnation varies with the specific type of sexual service which a prostitute performs. Second, the sex-as-love ideal applies to sexual activities other than intercourse.
However, there would be no basis for distinguishing between prostitution and any other sexual activity which is devoid of the appropriate form of expressive or symbolic significance. For example, from the perspective of the sex-as-love ideal there would appear to be no significant difference between prostitution and any of the following: masturbation, necking, petting, or intercourse for the sake of nothing more than pleasure; sex in a marriage in which one or both partners view sexual activity with the other as nothing more than the fulfillment of a contractual obligation, or an exchange for economic or psychological support. Consequently, if the sex-as-love ideal is used to explain why the selling of sexual services is morally wrong, then prostitution, or the activity of selling sexual services, would not appear to be in a class by itself. For, as we have seen, acts of prostitution are only one of many varieties of sexual activity which can and do fail to conform to the sex-as-love ideal.

But, it might be objected, prostitution is different in the following respect: Of all departures from the sex-as-love ideal mentioned, it is furthest from that ideal. There are two problems with this claim. First, it is not clear that prostitution is in fact further from the ideal than, say, masturbation or sex in a marriage of pure convenience. For each of these practices seems to be equally devoid of love. Second, even if prostitution were (somewhat) further from the ideal than other forms of sex which also depart from the ideal, this would suggest that prostitution is simply different in degree, but not in kind. However, this position would not square with the view that prostitution is wrong because it is in a class by itself.

In any event, there is another, far more serious problem. It would appear that one can consistently: (1) accept the sex-as-love ideal as an ideal, i.e., acknowledge that sexual activity between two persons is most valuable or meaningful when: (a) each has genuine feelings of love or affection for the other, and (b) those feelings are expressed or communicated during, and by means of, that sexual activity; (2) admit that acts of prostitution fail to conform to the sex-as-love ideal; and yet (3) deny that acts of prostitution are morally wrong. To be sure, one could establish that there is an inconsistency if it were assumed that any sexual activity which fails to conform to the sex-as-love ideal is ipso facto morally wrong. But I will attempt to show that this assumption is implausible.

Sexual activity is obviously only one of countless ways in which one person can communicate love or affection to another. Other ways include giving flowers, writing poetry,
calling someone on the telephone, making a significant sacrifice for another person, and comforting someone who is ill or upset. Now suppose it were asserted that each of these actions is most "meaningful" or "valuable" (closest to an appropriate "ideal") when it occurs as an expression of love or affection. Giving flowers to express one's love or affection, say, is a more meaningful or valuable act than giving flowers merely because it is "the thing to do" (e.g., on an anniversary or when one is invited to someone's house for dinner.) Similarly, making a significant sacrifice for someone out of love or affection for that person is a more meaningful or valuable act than making a significant sacrifice in order to receive an even more valuable future benefit. One might be inclined to reject claims of this type, but it is not my aim to establish their plausibility. Rather my point is simply that their acceptance does not commit one to accept the proposition that departures from an ideal (e.g., a "flower-giving-as-love ideal" or a "sacrificing-out-of-love ideal") are morally impermissible. Thus, for example, one can consistently accept the above claims about giving flowers and making sacrifices and yet reject the proposition that it is wrong to give flowers or to make sacrifices in the absence of love or affection. Clearly, then, the claim that giving flowers and making sacrifices are most valuable or significant when love or affection is involved does not provide a good reason for believing that these acts are morally wrong in the absence of one or the other. In order to judge whether it is morally wrong for x to give flowers to y on a particular occasion, it would not be helpful to know that it did not conform to the "flower-giving-as-love ideal." Rather we would want to know, say, whether x intends and/or is likely to harm y (e.g., embarrass, offend, or insult y), or violate y's rights. And, of course, a similar point could be made about making sacrifices.

It is therefore implausible to claim generally that departures from love-related ideals are ipso facto morally impermissible. Consequently it would seem that accepting the sex-as-love ideal does not commit one to the belief that any departures from that ideal are morally unacceptable. Indeed one might compare someone who accepts the sex-as-love ideal to a connoisseur of classical music. The latter might believe, say, that classical music is a "higher" form of music than disco or rock, and that people who only listen to disco or rock are missing out on an extremely valuable experience. But this does not commit the classical music lover to the belief that one should never listen to disco or rock, that it is wrong to do so. Indeed, one would be tempted to regard anyone who expressed such an opinion as an elitist snob. Similarly, one who accepts the sex-as-love ideal might believe
that sex involving love or affection is the "highest" form of sex, and that people who never engage in sex out of love or affection are missing out on an extremely valuable experience. But this does not commit an advocate of the sex-as-love ideal to the belief that one should only engage in sex out of love or affection, that it is wrong to engage in sex when love or affection are absent. This suggests that the point of the sex-as-love ideal may simply be to remind us that one's life would be seriously incomplete if it failed to include a relationship involving love or affection and its expression through sex.\textsuperscript{15}

But it might be objected that I have overlooked a crucial consideration. It may be true that a particular individual can consistently accept the sex-as-love ideal and yet reject the assertion that any departures from that ideal are morally impermissible. But the important question is the following: Would the sex-as-love ideal survive as a social ideal if departures were "officially" accepted? And the answer to this question is in the negative. That is, in order to promote the general acceptance of the sex-as-love ideal in a society, it is necessary to foster the view that departures from the ideal are morally impermissible.

To assess this objection it will be helpful to consider once again some of the other love-related ideals discussed earlier. Surely no one would seriously assert that a "flower-giving-as-love ideal" or a "sacrificing-out-of-love ideal" will be accepted as ideals only if it is generally believed that all other types of flower giving or sacrificing are impermissible. For in order to communicate the idea that there is something very "special" about giving flowers or making a sacrifice out of love or affection, one needn't condemn departures from those ideals. But why should it be different in the case of the sex-as-love ideal? Moreover, it is not clear that respect for the sex-as-love ideal would be maximized by condemning all departures from that ideal. Consider, for example, a society such as ours in which departures from the ideal are fairly common. In circumstances such as this, support for the ideal as an ideal

\textsuperscript{15}I am assuming that one and the same person can, on different occasions, "make love" and (merely) "have sex." After all, listening to rock or disco today need not destroy one's ability to understand and appreciate classical music tomorrow. So why, provided one is liberated from the restrictive influence of conventional sexual morality, need it be different in the case of sex?
might well be eroded more by insisting that no departures are morally permissible than by tolerating sex which does not conform to the ideal.

Another argument in support of condemning all departures from the sex-as-love ideal might proceed as follows. If a principle requiring strict compliance with that ideal were not generally accepted, individuals would not know whether or not a person's desire or willingness to engage in sex is a sign of feelings of love or affection. Hence if such a principle were not generally accepted, individuals might misconstrue their partners' intentions and feelings. This would lead to hurt feelings and even more severe emotional pain. But pain and suffering of this sort are avoidable. For they could be eliminated, or at least significantly reduced, by promoting the belief that departures from the sex-as-love ideal are ipso facto immoral.

This argument is plausible only if one assumes that even if departures from the ideal are not morally condemned, people will still tend to interpret a desire or willingness to engage in sexual activity as a reliable sign of love or affection. Now it may well be that current "official" sexual morality encourages the adoption of this way of thinking about sex. But "official" sexual morality cannot be appealed to here without begging the question. Indeed a more "realistic" attitude toward sex might well encourage the development of a substantially increased ability to properly "read" the meaning of a partner's sexual advances and submissions. If the context and information about a person who gives us flowers help us determine the meaning of that gift; why shouldn't we--once the blinders of "official" sexual morality are removed--be able to do the same with respect to sex? Moreover, whatever "official" sexual morality might have to say about the meaning of sexual activity, it is highly unlikely that sex between a prostitute and her customer will generate the relevant sort of "misunderstanding." So whatever its merits in general, the argument under discussion is hardly applicable in the case of prostitution.

Thus, the sex-as-love ideal falls short in two important respects. First, it fails to provide a satisfactory basis for the judgment that acts of prostitution are morally
impermissible.  

Second, it fails to account for the intuition that prostitution is in a class by itself in the sense that it is more objectionable than many other departures from the sex-as-love ideal. In the concluding section of this paper I will explore a criticism of prostitution which does seem to provide a satisfactory basis for distinguishing between prostitution and other departures from the sex-as-love ideal. However, I will argue that it is not at all obvious that this criticism supports the judgment that prostitution is morally impermissible.

V

Both of the two arguments which I examined in the previous section were based upon sex-related ideals. One was the sex-as-love ideal; and the other was the sex-as-procreation ideal, i.e., the principle that sex is permissible only for the purposes of procreation. But, surely, there are those who take the position that both of these ideals are too narrow and yet condemn prostitution. Thus, for example, one might hold that it is perfectly acceptable to engage in sex solely for the sake of pleasure and yet object to prostitution. Is there a consistent and plausible basis for these judgments?

I think that there is, and I want to suggest an answer along the following lines. One might well reject both of the ideals mentioned above and yet consistently claim that sex is an intimate and personal activity. With prostitution however, sex takes on the character of an impersonal commercial

16  Another strategy would be to claim that in virtue of one or more of its intrinsic features, the "essence" of sex is the expression of love and affection. This strategy, however, does not strike me as particularly promising. Non-human animals engage in sex; and human sex can have nothing more than simple "animal pleasure" as its object. Indeed if it weren't possible for persons to engage in sexual activities solely for the purpose of deriving sexual satisfaction and pleasure, there would be no reason to promote the acceptance of sex-as-love as an ideal. Hence it would appear that the claim, "the essence of sex is the expression of love and affection," is plausible only if it is interpreted to mean that the ideal form of sex is sex-as-love. But this takes us right back to the question under discussion, namely, are all departures from the sex-as-love ideal morally unacceptable?
transaction. It becomes a commodity, and like any commodity, is purchased with and sold for an impersonal means of exchange: money. Accordingly, the "value" of sex, as well as its distribution, are determined by the principles of supply and demand. It is a prospective customer's ability to pay the "market price," and not his personal characteristics, which determine whether or not a prostitute will perform sex with him. Thus one might well say that the prostitute-customer relationship is an impersonal relationship par excellence.

Most of us, for better or worse, have come to accept the objectification and de-personalization—or, as Weber referred to it, the "rationalization"—of many aspects of our lives. In a well known passage in the Manifesto of the Communist Party, Marx and Engels give a rather ironic and unflattering description of certain aspects of this phenomenon when they list the following "achievements" of the bourgeoisie: "It has pitilessly torn assunder the motley feudal ties that bound man to his 'natural superiors,' and has left remaining no other nexus between man and man than naked self-interest, than callous 'cash payment.' It has drowned the most heavenly ecstasies of religious fervor, of chivalrous enthusiasm, of Philistine sentimentalism, in the icy water of egotistical calculation. It has resolved personal worth into exchange value..." Now whatever one's assessment of capitalist economic transactions in general, one might object to prostitution in particular on the following grounds. If there is any "nexus between man and [wo]man" which can and

17 A recent divorce proceeding in South Africa indicates the degree to which sex between a man and wife can also be a commercial transaction. In 1976, Mr. Wyndham-Quin sued his wife for divorce, claiming "malicious desertion." The basis for his claim was the uncontested fact that from the time they were first married in 1969, Ms. Wyndham-Quin demanded payment—in advance—from her husband before she would engage in intercourse with him. Mr. Wyndham-Quin's claim was rejected by two courts: the Witwatersrand Local Division and the Witwatersrand Appellate Division. For a discussion of this case, see M.L. Lupton, "Remuneration for Marital Privileges—Some Possible Consequences," The South African Law Journal, 96, II (1979), pp. 189-191.

should remain intimate and personal, and which therefore should not be transformed into a relationship based upon nothing more than "callous cash payment," it is sex. Surely, one ought to draw the line somewhere to protect intimacy and to prevent the complete de-personalization of our relationships with others. But if the line isn't drawn to shield sexual relations, it is difficult to see what would be left.

It seems to me that this critique of prostitution does account for the persistent intuition that there is something objectionable about the practice of selling sex. And I would not want to dismiss it by claiming that the attitude which it expresses is nothing more than "Philistine sentimentalism." Nevertheless it is not clear that the foregoing line of argument supports the judgment that prostitution is morally wrong. It might be claimed that a failure to morally condemn prostitution would lead to a general adoption of the view that sex is nothing more than a commodity to be bought and sold. That is, one might attempt to show that a failure to condemn prostitution would lead to a general deterioration in the quality of sexual (and perhaps other inter-personal) relationships. But it is extremely doubtful that this is the case. After all, prostitution serves the limited function of occasionally satisfying some of the sexual interests of some individuals. It may be the case that certain of the sexual interests of some individuals would remain unsatisfied if there were no (female or male) prostitutes. But it is unlikely that many people are unable to recognize the difference between sex with prostitutes and truly intimate and personal sex. And it is equally unlikely that there are many who would view the former as a satisfactory substitute for the latter.

In effect, then, the current objection to prostitution rests upon another sex-related ideal, an ideal which might be termed the "sex-as-intimacy ideal." But, as I argued in connection with the sex-as-love ideal, departures from an ideal are not ipso facto morally wrong. Hence one can consistently assert that sexual relationships are particularly meaningful and valuable when they are intimate and personal, and yet reject the assertion that any departure from this ideal, in particular the practice of selling sex, is morally wrong.

I of course cannot claim to have canvassed every conceivable argument in support of the claim that prostitution is morally wrong. But I believe that the arguments which I have examined are both the ones which are most frequently advanced and the ones which are the most promising candidates. Consequently, I think that this discussion should serve to
cast serious doubt upon the common belief that prostitution is morally wrong. Let me quickly add, however, that it does not follow that there are no serious moral problems associated with the phenomenon of prostitution. It is of course intolerable that a life of prostitution should be the "best" available option for a woman, particularly if she herself believes that sex is an intimate and personal matter. Thus although I have argued that the activity of prostitution isn't inherently demeaning, I do not want to deny that the lives of women who have become prostitutes are all too often filled with demeaning and degrading experiences. In this respect, then, prostitution is a serious social problem.

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19 I want to thank Alan Wertheimer and Bruce Landesman for their helpful comments on an earlier draft of this paper. Several months after this paper was completed, the following article on prostitution was published: Lars O. Ericsson, "Charges against Prostitution: An Attempt at a Philosophical Assessment," Ethics 90 (1980), pp. 335-366. It was reassuring to discover that another philosopher, working independently, had reached similar conclusions.