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Charges against Prostitution: An Attempt at a Philosophical Assessment*

Lars O. Ericsson

I. A NEGLECTED PHILOSOPHICAL TASK

The debate over prostitution is probably as old as prostitution itself. And the discussion of the oldest profession is as alive today as it ever was. New books and articles are constantly being published, new scientific reports and theories presented, and new committees and commissions formed.¹ Yet while the scientific and literary discussion is very much alive, the philosophical discussion of it seems never even to have come to life. How is this to be explained? And is there any justification for it?

Could it be that harlotry is a topic unsuitable for philosophical treatment? Or could it be that, although suitable, it does not give rise to any interesting philosophical questions? Obviously, I would not be writing this article if I thought that the answer to any of these questions was yes. But I wish to emphasize that it seems absurd to maintain that the subject is unsuitable for philosophical treatment, since it clearly involves many normative and evaluative issues. Could it be instead that prostitution as a moral question belongs to casuistry or to applied ethics rather than to moral philosophy proper? Could it be that it does not give rise to any “high-level” questions of principle? This will not do as an explanation, for the same thing could be said just as appropriately about such topics as abortion, suicide, war, or mercy killing—topics that have been intensively discussed by philosophers. Nor can the explanation be that prostitution is regarded by philosophers as too unworthy or too base a subject to deal with, for that would put them in a prudish ivory tower, and this (I hope) they do not deserve.

*I wish to acknowledge my indebtedness to Harry Benjamin and R. E. L. Masters. Their well-argued plea for a rational reevaluation of prostitution and for an assessment of it freed from emotional prejudice has been a great source of inspiration. Their empirical studies have also provided me with a large share of my factual insights concerning mercenary sex. I also wish to thank Harald Ofstad for his valuable criticism of an earlier version of this essay.

1. For a comprehensive bibliography, see Vern Bullough et al., eds., *A Bibliography of Prostitution* (New York and London: Garland Publishers, 1977).

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What then is the reason for this remarkable lack of interest? In order to explain what seems to me the most plausible answer, I suggest that we return for a moment to the days of Hume. When Hume wrote his essay *Of Suicide*, suicide was primarily a religious and theological matter. Suicide was a horrendous crime and an intolerable evil; a cardinal sin. So if there were any disputes between religion and philosophy about suicide they were likely to have to do with such intricate questions as, Where exactly in hell would you end up? For how long would you have to burn? etc. To venture to suggest that perhaps suicide was not all that bad after all was unthinkable. And to have the nerve to suggest that perhaps suicide could represent a rational response to an unbearable life-situation was not only unthinkable but tantamount to heresy. Nevertheless, it was something to this effect that Hume had the courage to say in his essay.

What Hume did was to question what at the time appeared as an unshakable postulate. The evil of suicide was not a matter for discussion but the Archimedean point from which all discussion took off. To make us conscious of such alleged Archimedean points and to question them has always been an important philosophical task. In moral philosophy this amounts to the task of subjecting the canons of conventional morality to critical scrutiny.

If we return to our own time and to prostitution, we shall find that the alleged Archimedean point from which practically all discussion of harlotry takes off is the view that *prostitution is undesirable*. And on *this* presupposition, the crucial issues become scientific and political, not philosophical. Science is called in to explain the undesirable phenomenon and to invent a cure to be put in the hands of the politicians. And moralists of all shades and colors act as their cheerleaders. The philosophical contributions have mainly consisted of the discussion of such derivative issues, as, Does society have the right to pass judgment at all on matters of sexual morals? and, If so, does it also have the right to use the weapon of the law to enforce what it considers to be sexual immorality?²

It is the purpose of this paper to undertake a critical assessment of the view that prostitution is an undesirable social phenomenon that ought to be eradicated. I shall do this by examining what seem to me (and to others) the most important and serious charges against prostitution. I shall try to show that mercenary love per se must, upon closer inspection, be acquitted of most of these charges. Instead, I shall argue,

2. I am thinking here of the debate between Devlin and Hart which followed upon the publication of the *Wolfenden Report* on homosexual offenses and prostitution in 1957 (see Lord Devlin, *The Enforcement of Morals* [London: Oxford University Press, 1965], and H. L. A. Hart, *Law, Liberty, and Morality* [Stanford, Calif.: Stanford University Press, 1963]).

the major culprit is the hostile and punitive attitudes which the surrounding hypocritical society adopts toward promiscuous sexual relations in general and prostitution in particular.

II. THE CHARGE FROM CONVENTIONAL MORALITY

By far the most common ground for holding that prostitution is undesirable is that it constitutes a case of sexual immorality. Society and conventional morality condemn it. The law at best barely tolerates it; sometimes, as in most states in the United States, it downright prohibits it. In order to improve prostitution, we must first and foremost improve our attitudes toward it. Contrary to what is usually contended, I shall conclude that prostitution, although not in any way *ultimately* desirable, is still conditionally desirable because of certain ubiquitous and permanent imperfections of actual human societies.

The prostitute, according to the moralist, is a sinful creature who ought to be banned from civilized society. Whoredom is "the great social evil" representing a flagrant defiance of common decency. The harlot is a threat to the family, and she corrupts the young. To engage in prostitution signifies a total loss of character. To choose "the life" is to choose a style of living unworthy of any decent human being. And so on.

There is also a less crude form of moralism, which mixes moral disapproval with a more "compassionate" and "concerned" attitude. The fate of a whore is "a fate worse than death." The hustler is a poor creature who has to debase herself in order to gratify the lusts of immoral men. Prostitution is degrading for all parties involved, but especially for the woman.

It might seem tempting to say that the best thing to do with respect to the moralistic critique is to ignore it. But this is exactly what moral philosophers have been doing for far too long. It appears that many otherwise sophisticated persons more or less consciously adhere to views of a rather unreflectively moralistic kind where prostitution is concerned. More important, to ignore conventional moralism would be philosophically unsatisfactory for the simple reason that the mere fact that an idea is conventional does not constitute a disproof of its validity. Thus, arguments are what we need, not silence.

How are the hostile and punitive attitudes of society toward prostitution to be explained? It seems to be an anthropological fact that sexual institutions are ranked on the basis of their relation to reproduction. Hence, in virtue of its intimate relation to reproduction, the monogamous marriage constitutes the sexual institution in society which is ranked the highest and which receives the strongest support from law and mores. On the other hand, the less a sexual practice has to do with the bearing and rearing of children, the less sanctioned it is. Therefore, when coitus is practiced for pecuniary reasons (the hooker), with pleasure and not procreation in mind (the client), we have a sexual practice

that, far from being sanctioned, finds itself at the opposite extreme on the scale of social approval.³

Two other factors should be mentioned in this connection. First, wherever descent is reckoned solely through the male line, promiscuity in the female can hardly be approved by society. And the property relations associated with descent of course point in the same direction. Second, our Christian heritage—especially in its Lutheran and Calvinist versions—is both antisexual and antihedonistic. To indulge in sexual activities is bad enough, but to indulge in them for the sheer fun and pleasure of them is a major feat in the art of sin. Moreover, sex is time consuming and as such quite contrary to Protestant morals with respect to work.

An explanation of our antiprostitution attitudes and their probably prehistoric roots must not, however, be confused with a *rationale* for their continuation in our own time. That we understand why the average moralist, who is a predominantly unreflecting upholder of prevailing rules and values, regards prostitution and prostitutes as immoral gives us no good reason to shield those rules and values from criticism, especially if we find, upon reflection, that they are no longer adequate to our present social conditions.

That prostitution neither is nor ever was a threat to reproduction within the nuclear family is too obvious to be worth arguing for. Nor has it ever been a threat to the family itself. People marry and visit whores for quite different reasons. In point of fact, the greatest threat to the family is also the greatest threat to prostitution, namely, complete sexual liberty for both sexes. The conclusion we must draw from this is that neither the value of future generations nor the importance of the family (if it is important) warrants the view that prostitution is bad and undesirable.

It is hardly likely, however, that the moralist would be particularly perturbed by this, for the kernel of his view is rather that to engage in prostitution is *intrinsically* wrong. Both whore and customer (or at least the former) act immorally, according to the moralist, even if neither of them nor anyone else gets hurt. Mercenary love per se is regarded as immoral.

Personally, I must confess that I, upon reflection, am no more able to see that coition for a fee is intrinsically wrong than I am able to see that drunkenness is. There is something fanatic about both of these views which I find utterly repelling. If two adults voluntarily consent to an economic arrangement concerning sexual activity and this activity takes place in private, it seems plainly absurd to maintain that there is

3. Here I am indebted to Kingsley Davis (see his "The Sociology of Prostitution," reprinted in *Deviance, Studies in the Process of Stigmatization and Social Reaction*, ed. A. C. Clarke, S. Dinitz, and R. R. Dynes (New York: Oxford University Press, 1975).

something intrinsically wrong with it. In fact, I very much doubt that it is wrong at all. To say that prostitution is intrinsically immoral is in a way to refuse to give any arguments. The moralist simply "senses" or "sees" its immorality. And this terminates rational discussion at the point where it should begin.

III. THE SENTIMENTALIST CHARGE

There is also a common contention that harlotry is undesirable because the relation between whore and customer must by the nature of things be a very poor relation to nonmercenary sex. Poor, not in a moral, but in a nonmoral, sense. Since the majority of the objections under this heading have to do with the quality of the feelings and sentiments involved or with the lack of them, I shall refer to this critique as "the sentimentalist charge."

Sex between two persons who love and care for one another can of course be, and often is, a very good thing. The affection and tenderness which exists between the parties tends to create an atmosphere in which the sexual activities can take place in such a way as to be a source of mutual pleasure and satisfaction. Sexual intercourse is here a way of becoming even more intimate in a relation which is already filled with other kinds of intimacies.

Now, according to the sentimentalist, mercenary sex lacks just about all of these qualities. Coitus between prostitute and client is held to be impoverished, cold, and impersonal. The association is regarded as characterized by detachment and emotional noninvolvement. And the whole thing is considered to be a rather sordid and drab affair.

In order to answer this charge, there is no need to romanticize prostitution. Mercenary sex usually *is* of poorer quality compared with sentimental sex between lovers. To deny this would be simply foolish. But does it follow from this that hustling is undesirable? Of course not! That would be like contending that because 1955 Ch. Mouton-Rothschild is a much better wine than ordinary claret, we should condemn the act of drinking the latter.

The sentimentalist's mistake lies in the comparison on which he relies. He contrasts a virtual sexual ideal with prostitutional sex, which necessarily represents an entirely different kind of erotic association and which therefore fulfills quite different social and individual functions. Only a minute share of all sex that takes place deserves to be described as romantic sex love. And if, in defending mercenary sex, we should beware of romanticizing *it*, the same caution holds for the sentimentalist when he is describing nonprostitutional sex. The sex lives of ordinary people often fall miles short of the sentimentalist's ideal. On the other hand, the sexual services performed by harlots are by no means always of such poor quality as we are conditioned to think. And we would most likely think better of them were we able to rid ourselves of the feelings of

guilt and remorse that puritanism and conventional morality create in us.

In fact, the comparison between sex love and mercenary lovemaking is both pointless and naive. That lovers have very little need for the services of hustlers is at best a silly argument against prostitution. Most couples are not lovers. A great number of persons do not even have a sexual partner. And not so few individuals will, in any society, always have great difficulties in finding one. What is the point of comparing the ideal sex life of the sentimentalist with the sexual services of prostitutes in the case of someone whose only alternative to the latter is masturbation? Is there any reason to think that mercenary sex must be impersonal, cold, and impoverished compared with autosex?

By this I do not wish to contend that the typical customer is either unattractive, physically or mentally handicapped, or extremely shy. There is abundant empirical evidence showing that the prostitute's customers represent all walks of life and many different types of personalities.⁴ That the typical "John" is a male who for some reason cannot find a sexual partner other than a prostitute is just one of the many popular myths about harlotry which empirical studies seem unable to kill. Approximately 75 percent of the customers are married men,⁵ most of whom are "respectable" taxpaying citizens.

This brings us to another aspect of the sentimentalist charge. It is not seldom a tacit and insidious presupposition of the sentimentalist's reasoning that good sex equals intramarital sex, and that bad sex equals extramarital—especially prostitutional—sex. This is just another stereotype, which deserves to be destroyed. Concerning this aspect, Benjamin and Masters make the following comment: "The experience with a prostitute is probably ethically, and may be esthetically, on a higher level than an affectionless intercourse between husband and wife, such as is all too common in our present society."⁶ The demarcation line between marital and mercenary sex is not quality but the contrasting nature of the respective legal arrangements. Furthermore, we must not think that the quality—in terms of physical pleasure—of the sex services of prostitutes varies any less than the quality of "regular" sex. The best prostitutional sex available is probably much better from the customer's point of view than average marital sex.

The sentimentalistic critique of the prostitute-customer relationship, however, has also another side to it. This consists in the notion that sex without love or affection—sex "pure and simple"—is "no good." I have already admitted the obvious here—namely, that sex love is a beautiful thing. But this seems to me no reason for embracing the romantic notion

4. See Harry Benjamin and R. E. L. Masters, *Prostitution and Morality* (New York: Julian Press, 1964), chap. 6.

5. *Ibid.*

6. *Ibid.*, p. 208.

that sex without love or mutual affection must be valueless. On the contrary, satisfaction of sexual desires is, *qua* satisfaction of a basic need, *intrinsically good*, love or no love.

The argument fails to show that prostitution is undesirable. If it shows anything at all it shows lack of contact with reality. As I pointed out earlier, sex between lovers hardly dominates the scene of human sex quantitatively. Consequently, the argument entails that a major part of the sex that takes place between humans is worthless. And how interesting is this? Even if correct, it does not show that there is something *particularly* or *distinctively* bad about prostitution.

In conclusion, I would like to counter the charge that the prostitute-customer relationship is bad on the ground that it involves the selling of something that is too basic and too elementary in human life to be sold. This is perhaps not a sentimentalist charge proper, but since it seems to be related to it I shall deal with it here.

Common parlance notwithstanding, what the hustler sells is of course not her body or vagina, but sexual *services*. If she actually did sell herself, she would no longer be a prostitute but a sexual slave. I wish to emphasize this simple fact, because the popular misnomer certainly contributes to and maintains our distorted views about prostitution.

But is it not bad enough to sell sexual services? To go to bed with someone just for the sake of money? To perform fellatio on a guy you neither love nor care for? In view of the fact that sex is a fundamental need, is it not wrong that anyone should have to pay to have it satisfied and that anyone should profit from its satisfaction? Is it not a deplorable fact that in the prostitute-customer relationship sexuality is completely alienated from the rest of the personality and reduced to a piece of merchandise?

In reply to these serious charges I would, first, like to confess that I have the greatest sympathy for the idea that the means necessary for the satisfaction of our most basic needs should be free, or at least not beyond the economic means of anyone. We all need food, so food should be available to us. We all need clothes and a roof over our heads, so these things should also be available to us. And since our sexual desires are just as basic, natural, and compelling as our appetite for food, this also holds for them. But I try not to forget that this is, and probably for long time will remain, an *ideal* state of affairs.

Although we live in a society in which we have to pay (often dearly) for the satisfaction of our appetites, including the most basic and natural ones, I still do not regard food vendors and the like with contempt. They fulfill an important function in the imperfect world in which we are destined to live. That we have to pay for the satisfaction of our most basic appetites is no reason for socially stigmatizing those individuals whose profession it is to cater to those appetites. With this, I take it, at least the nonfanatical sentimentalist agrees. But if so, it seems to me inconsistent

to hold that prostitution is undesirable on the ground that it involves the selling of something that, ideally, should not be sold but freely given away. Emotional prejudice aside, there is on *this* ground no more reason to despise the sex market and those engaged in it than there is to despise the food market and those engaged in it.

But still, is there not an abyss between selling meat and selling "flesh"? Is there not something private, personal, and intimate about sex that makes it unfit for commercial purposes? Of course, I do not wish to deny that there are great differences between what the butcher does and what the whore does, but at the same time it seems to me clear that the conventional labeling of the former as "respectable" and the latter as "indecent" is not so much the result of these differences as of the influence of cultural, especially religious and sexual, taboos. That the naked human body is "obscene," that genitalia are "offending," that menstrual blood is "unclean," etc., are expressions of taboos which strongly contribute to the often neurotic way in which sex is surrounded with mysteriousness and secrecy. Once we have been able to liberate ourselves from these taboos we will come to realize that we are no more justified in devaluating the prostitute, who, for example, masturbates her customers, than we are in devaluating the assistant nurse, whose job it is to take care of the intimate hygiene of disabled patients. Both help to satisfy important human needs, and both get paid for doing so. That the harlot, in distinction to the nurse, intentionally gives her client pleasure is of course nothing that should be held against her!

As for the charge that in the prostitute-customer relationship sexuality is completely alienated from the rest of the personality—this is no doubt largely true. I fail to see, however, that it constitutes a very serious charge. My reason for this is, once again, that the all-embracing sex act represents an ideal with which it is unfair to compare the prostitute-customer relationship, especially if, as is often the case, such an all-embracing sex act does not constitute a realizable alternative. Moreover, there is no empirical evidence showing that sex between two complete strangers must be of poor quality.

IV. THE PATERNALISTIC CHARGE

It is a well-established fact that the occupational hazards connected with prostitution constitute a serious problem. The prostitute runs the risk of being hurt, physically as well as mentally. On the physical side there is always the risk of getting infected by some venereal disease. Certain forms of urosis are known to be more common among harlots than among women in general. And then there is the risk of assault and battery from customers with sadistic tendencies. On the mental side we encounter such phenomena as depression and neurosis, compulsive behavior, self-degrading and self-destructive impulses, etc.

It is therefore not uncommon to find it argued that prostitution is

undesirable because it is not in the best interest of the prostitute to be what she is. It is held that society should, for the prostitutes' own good, try to prevent people from becoming prostitutes and to try to "rehabilitate" those who already are. This type of criticism I shall refer to as "the paternalistic charge."

I shall not consider the question—discussed by Mill, Devlin, Hart, and others—of whether society has the *right* to interfere with a person's liberty for his own good. I shall limit my discussion to the question of whether the fact that the hustler runs the risks that she runs is a good reason for holding that prostitution is undesirable.

A comparison with other fields clearly shows that the fact that a certain job is very hazardous is not regarded as a good reason for the view that the type of job in question is undesirable. Take, for instance, a miner: he runs considerable risks in his job, but we hardly think that this warrants the conclusion that mining should be prohibited. What we do think (or at least ought to think) is that, since the miner is doing a socially valuable job, everything possible should be done to minimize those risks by improving his working conditions by installing various safety devices, introducing shorter working hours, etc. It seems to me, therefore, that in cases like this—and there are many of them—paternalistic considerations carry no weight. The individual is not to be protected from himself (for wanting to take risks) but from certain factors in the environment. It is not the individual who should be changed but the milieu in which he has to place himself in order to be able to follow his occupational inclinations.

Unless the paternalist simply assumes what remains to be proven, namely, that what the prostitute does is of no value to society, a similar argument also applies in the case of prostitution. The individual whose does not need to be protected from herself if her hustling is voluntary in the same sense of "voluntary" as someone's choice of profession may be voluntary. What she does need protection from are detrimental factors in the social environment, especially the hostile, punitive, or condescending attitudes of so-called respectable citizens. It is not the hooker who should be changed, reformed, or rehabilitated but the social milieu in which she works.

The paternalistic charge is not an independent argument against prostitution. It only seems to work because it has already given in to conventional morality. To oppose prostitution by referring to the welfare, good, happiness, needs, or interests of the prostitute may seem very noble and humanitarian; but in reality it serves the status quo by leaving the norms and values of the surrounding society intact, viewing prostitution through the unreflected spectacles of a conservative public opinion, and placing the "blame" exclusively on the individual.

If public opinion accorded prostitutes the same status as, say, social workers, most of the hazards connected with hustling would probably

disappear. And those that would remain would not be thought to make hustling undesirable. Society would try to minimize the risks rather than try to rehabilitate and reform those who run them.

The paternalist does not ask himself *why* depressions and neuroses are common among harlots, *why* they display self-degrading and self-destructive tendencies, *why* their behavior often is antisocial, and so on. Yet the answer should be obvious: the principal cause of these psychological and sociological "dysfunctions" is the social anathema attached to their way of life. Make people outcasts and they will behave like outcasts. It is thus the degradation in which the harlot is held, and as a result also often holds herself, that constitutes the greatest danger to her physical and mental health. In addition, as I shall hereafter argue, this constitutes the basis for her being exploited in various ways.

To sum up. The paternalistic charge rests on two assumptions, neither of which is valid. First, it rests on the assumption that society's scorn for whoredom is justified. Second, it rests on the assumption that the hooker is not doing a socially valuable job. From these assumptions together with the fact that harlotry is known to be a hazardous profession the paternalist jumps to the conclusion that prostitution is undesirable and that society should intervene against it for the prostitutes' own good.

V. THE MARXIST CHARGE

Generally speaking, Marxist opposition to prostitution forms part and parcel of Marxist opposition to capitalism and to the property and family relations created by it. Harlotry is regarded as the offspring of class society, and, says Engels, it "is based on private property and falls with it."⁷ One of the most refreshing and original features of the Marxist analysis and critique of prostitution is that it is comparatively free from conventional moralism. At least this is true of the classics, Marx and Engels. Far from morally condemning the courtesan, they put her on a par with the woman in the holiest of bourgeois institutions, the family: "In both cases [in Catholic and Protestant bourgeois marriage], however, marriage is determined by the class position of the participants, and to that extent always remains marriage of convenience. In both cases, this marriage of convenience often enough turns into the crassest prostitution—sometimes on both sides, but much more generally on the part of the wife, who differs from the ordinary courtesan only in that she does not hire out her body, like a wage-worker, on piece-work, but sells it into slavery once and for all."⁸ Marxists also draw close parallels between

7. Friedrich Engels, *Principles of Communism* (the draft for the Communist Manifesto), quoted in Sheila Rowbotham, *Women, Resistance, and Revolution* (London: Penguin Press, 1972), p. 64.

8. Friedrich Engels, "The Origin of the Family, Private Property and the State," in *Selected Works*, by Karl Marx and Friedrich Engels (Moscow: Progress Publishers, 1970), 3:245.

prostitution and wage labor. Thus, for instance, Aleksandra Kollontai contends that “bargaining over the female body is closely related to the bargaining over female working power. Prostitution can only finally disappear when wage labor does.”⁹ In a similar vein, a contemporary socialist, Sheila Rowbotham, writes: “Just as the prostitute gives the substitute of love for money, the worker hands over his work and his life for a daily wage.”¹⁰ What these passages suggest is that the difference between, on the one hand, courtesan and the married bourgeois woman and, on the other, harlot and wage worker is one of *degree* and not one of kind. The general condition of women and wage workers in capitalist society is an inhuman one. The specific condition of the prostitute does not consist in her being morally depraved or “vicious” but in her being the most degraded and miserable of her class.

The strength of the Marxist analysis is, it seems to me, twofold. First, it resolutely brushes aside the moralistic veil, which lures us to place the prostitute in a category of her own—a category that creates a barrier between her and ordinary, “decent” people. Second, it does not regard prostitution as an isolated phenomenon but places it in its socioeconomic context. “To fight prostitution,” says Kollontai, “is to fight the foundations of capitalist society.”¹¹ To her, prostitution is a tumor on the unjust and inhuman economic system which is capitalism.

The weakness of the Marxist critique lies partly in the fact that it is so general and unspecific and partly in the fact that, where it is specific enough to allow empirical test, it is contradicted by the data in several important respects. And, since it is the theoretical analysis which constitutes the basis for the thesis that harlotry is undesirable (together with certain value premises, of course), this severely undermines the Marxist critique.

By saying that the Marxist critique is so general and unspecific, I mean that it is not a critique of whoredom per se. In fact, Marxist opposition to prostitution is completely derivative of Marxist opposition to capitalism. I have already conceded that this has the virtue of displaying the similarities between prostitution and other social institutions and practices like, for instance, marriage, the family, and wage labor. But at the same time this implies that harlotry is no worse, no more undesirable, than these other institutions and practices. For if, as the Marxist contends, the wage worker and the harlot are the products of the same social conditions, and if these conditions force them both to prostitute themselves, the former to sell working power, the latter to sell sexual services, there seems to be no rational foundation left for moralizing distinctions with regard to their respective activities. They are both vic-

9. A. Kollontai, *Brak i semeinaja problema* [Marriage and the family problem] (1909); author's translation.

10. Rowbotham, p. 65.

11. Kollontai, p. 43.

tims of the same inhuman social system. At most the whore is more victimized than the wage worker, but since, according to Marxist theory, if you have the one you get the other (see the quotation from Kollontai above), it makes little if no sense to hold that they are unequally undesirable.

Another aspect of the derivative character of the Marxist opposition to prostitution is that, once capitalist production is overthrown and private property abolished, the Marxist no longer has any platform from which he can criticize prostitution should it, Marxist prophecy notwithstanding, refuse to wither away.¹²

This brings us to the question of the correctness of the Marxist analysis of prostitution. To begin with, Engels's contention that prostitution is based on private property and falls with it is hardly sustained by empirical data. One of the oldest forms of prostitution, temple prostitution, was based on certain religious beliefs rather than on private property. Nor is it true that harlotry "falls" with the abolition of private property, as the evidence from countries with socialist economies clearly shows.

The truth is that prostitution has proved to be highly insensitive to variety in economic organization. In one form or another whoredom has existed in primitive, feudal, and capitalist as well as socialist societies. And when the amount of prostitution has been heavily reduced for a short period in some society the reduction has practically never been due to economic measures but to various authoritarian methods of supervision.

Harlotry is not a distinctively capitalistic phenomenon nor are its causes "very clearly economic."¹³ Of course, the economic motive is usually present in (the choice of) any trade, occupation, or profession. Both lawyer and hooker expect financial rewards from their clients for their services, and in both cases the economic motive might have been a major causal factor in the choice of their respective professions. So if we are prepared to say that hustling very clearly has economic causes, this is entirely acceptable, so long as we also are prepared to say the same about "lawyerism." But how interesting is this? How interesting is it, generally speaking, to say of a commercial phenomenon that it has economic causes? The Marxist, because of his fixation on economic factors, regards economic measures—above all a transition from a capitalist to a socialist economy—as a panacea. As far as prostitution is concerned, this is Marxism's fundamental error.

12. The energetic, but as usual unsuccessful, attempts at suppressing prostitution in socialist countries are therefore hardly to be regarded as expressions of a true Marxist spirit. Perhaps it is the embittered expression of the delusion at the fact that reality has the insolence not to comply with Marxist theory?

13. Rowbotham, p. 65.

Furthermore, there are two sides of prostitution: supply and demand. And these two sides give rise to entirely different questions. On the supply side, first and foremost the question is, Why do women become prostitutes? As we have seen, the Marxist answer here is that women become prostitutes because their socioeconomic position in class society makes it necessary. For example, writing about the situation in the mid-nineteenth century, Sheila Rowbotham says that "it [prostitution] became a necessary way of supplementing their wages for large numbers of urban working women."¹⁴ And even if it is inadequate—especially within the context of welfare society—this answer at least has some truth in it.¹⁵ But when we come to the demand side, to the question of why men ask and are willing to pay for the sexual services of harlots, the economic character of the Marxist analysis makes it fail completely. It is bound to fail for the simple and obvious reason that the sex drive—which constitutes a necessary condition for the demand—is neither an economic phenomenon nor a phenomenon less basic (in fact it is more basic) than any economic factor. The "economic base" is not, in other words, a base for the explanation of the ubiquitous demand for the services of whores. That Marxists cling to the myth that those who visit whores are mainly middle- and upper-class men, and that they on this ground impute to the demand a certain class character, is, on my view, nothing more than a misconceived attempt to cover the fact that Marxist theory is particularly ill suited for the analysis of the demand for prostitutes.

The Marxist portrait of prostitute and customer—she a poor working-class female, he a lascivious middle-class male—constitutes too gross an oversimplification to catch the essentials of so complex a phenomenon as prostitution. The class character of harlotry—and there is a class character—is in fact of a nature that is difficult to square with the simplistic view that lets the proletariat stand for the supply and the bourgeoisie for the demand of whores. What empirical data seem to show is that prostitution reflects class society in the following sense. Middle- and upper-class men tend to visit "high-class" whores (call girls, and the like), while working-class men tend to visit "low-class" whores (streetwalkers, bar and dance-hall prostitutes, fleabags, etc.). And "high-class" prostitutes more often than not come from a background that is not working class.¹⁶

14. Ibid.

15. In the sense that starvation, poverty, or more generally the fact that one is economically underprivileged, often is a *predisposing* factor. But obviously being poor, etc., is neither a necessary nor a sufficient condition for someone to become a prostitute.

16. Of the twenty call girls studied by Greenwald, for instance (in Harold Greenwald, *The Call Girl* [London: Elek Books, 1958]), three had an upper-class background, fourteen a middle-class background, and only three had a working-class background. And these findings are supported by those reported by Benjamin and Masters (cf. the case studies described by them in *Prostitution and Morality*, chap. 5).

Before concluding this section I wish to point out—lest there be any misunderstanding—that I do not regard prostitution as desirable or defensible in any ultimate sense. So if Marx, Engels, and their followers are interpreted as merely saying that in the good (i.e., the classless) society there is no room or need for prostitution because of the new, truly human relationship between the sexes that exists there, I do not necessarily have anything to object. For it is of course possible to envisage a society in which harlotry would indeed be superfluous. My criticism of Marxism has been exclusively directed against its theoretical analysis of the nature and causes of prostitution in society as it is known in history and against the evaluative conclusion based upon that analysis. For I am sufficiently realistic to recognize that the less-than-utopian social conditions under which a sound prostitution (a concept to be developed in a later section) is at least *conditionally* desirable and defensible will be with us in the future as they have been in the past.

VI. THE FEMINIST CHARGE

In this essay I have deliberately desisted from trying to *define* “prostitution.” I have simply relied upon the fact that we seem to know pretty well what we mean by this term. My reason for resisting the well-known predilection of philosophers for definitional questions is that ordinary usage seems to me sufficiently precise for my present purposes.¹⁷ In consequence, I have up till now referred to the prostitute as “she” and to the customer as “he.” For in ordinary parlance the whore is a woman and her customer a man. I do not think, however, that ordinary usage is such that this is true by definition. I rather suspect that our habit of thinking of the hustler as a *she* and her customer as a *he* simply reflects the empirical fact that most prostitutes are women and most customers men.

I shall in this section discuss a group of arguments in support of the thesis that prostitution is undesirable whose common feature is this fact. Prostitution is held to be undesirable on the ground that it constitutes an extreme instance of the inequality between the sexes. Whoredom is regarded as displaying the male oppression of the female in its most naked form. It is contended that the relation between hooker and “John” is one of object to subject—the prostitute being reified into a mere object, a thing for the male’s pleasure, lust, and contempt. The customer-man pays to use the whore-woman and consequently has the upper hand. He is the dominating figure, the master. It is the whore’s task to oblige, to satisfy his most “perverse” and secret desires, desires that the male is unable to reveal to his wife or girl friend. Prostitution, it is argued, reduces the woman to a piece of merchandise that anyone who can pay the price may buy. The unequal nature of prostitution is also contended

17. I should perhaps stress, however, that I use the term “prostitution” in a neutral, descriptive sense, disregarding the ordinary negative value association of the term. In a later section (X) a normative concept ‘sound prostitution’ will be developed.

to consist in the fact that it represents a way out of *misère sexuelle* only for men. Instead of trying to solve the sexual problems together with his wife, the married man can resort to the services of the hustler; but the married woman lacks the same advantage, since there are not so many male heterosexual prostitutes around. I shall refer to this group of arguments as “the feminist charge.”

Like the moralist and the Marxist, the feminist is of the opinion that prostitution can and ought to be eradicated.¹⁸ Some feminists, like the moralist, even want to criminalize prostitution. But unlike the moralist they want to criminalize both whore and customer.

The core of the feminist charge—that prostitution is unequal and disfavors the female sex—deserves to be taken seriously. For social inequality is a serious matter both morally and politically. And inequalities based on differences with regard to race, color of skin, religious belief, sex, and the like are particularly serious. Thus, if valid, the feminist critique would constitute powerful support for the view that prostitution is undesirable.

Before I proceed to an attempt to counter the feminist charge, I would like to add a few nuancing facts to the prostitute-customer picture outlined at the beginning of this section.¹⁹ No one denies that a majority of prostitutes are women, and no one denies that a majority of customers are men. But it is clear from the evidence that a large portion of the prostitutes, especially in metropolitan areas, are male homosexuals.²⁰ There is also lesbian prostitution, though this is not (at least not yet) sufficiently widespread to be of any great social importance. And finally, there is male heterosexual prostitution, the prevalence of which is also rather limited. We may sum up by saying that, rather than constituting a dichotomy between the sexes, prostitution has the characteristic that a considerable portion of the prostitutes are men, and a small minority of the customers are women. I mention this because I think that a rational assessment should not be based on an incomplete picture of the phenomenon under assessment and I consider these data to have some relevance with respect to the feminist charge against prostitution.

There are at least two types of inequalities. In the one, the inequality consists in the fact that some *benefit* is withheld from some group or individual. A typical example: only white members of a society are allowed to vote. In the other, the inequality consists in the fact that some *burden* is

18. The empirical part of this opinion will be examined critically in the next section.

19. My major source of information has here as elsewhere been Benjamin and Masters (n. 4 above), esp. chaps. 5, 6, and 10. I have also consulted the reports of Jersild (Jens Jersild, *Boy Prostitution* [Copenhagen: G. E. C. Gad, 1956]) and Butts (W. M. Butts, “Boy Prostitutes of the Metropolis,” *Journal of Clinical Psychopathology* [1947], pp. 673–81).

20. A ratio of 60/40 has been mentioned for big city areas like New York and Los Angeles. I do not regard this (or any other) figure as completely reliable, however. The empirical material available does not seem to allow any exact conclusions.

placed only on some group or individual. A typical example: a feudal society in which peasants and artisans are the only ones who have to pay taxes. We may also distinguish between unequal practices which, like racial discrimination, are best dealt with through a complete *abolition* of them, and unequal practices which, like male franchise, are best dealt with by *modifying* them (in the case of male franchise, by granting the franchise to women). The one type of unequal practice is always and under all conditions undesirable: there is no remedy to the inequality of apartheid but abolition. The other type of unequal practice is also undesirable, but it has the seed of something defensible or valuable in it: the franchise is something good, although the franchise restricted to males is not. Obviously, these two pairs of categories are not mutually exclusive. On the contrary, all combinations of them are possible.

After these preliminaries, we come to the question of how prostitution is to be classified. Is harlotry an unequal practice? And if so, in what precisely does its inequality consist?

If it is conceded that in exchange for his money the customer receives a service—something that at least the sentimentalist seems most reluctant to concede—it could be argued that harlotry is unequal in the sense that some benefit is withheld from or denied women that is not withheld from or denied men. This is perhaps how the argument that hustling represents a way out only for men should be understood. However, if this is what the feminist charge amounts to, two things appear to be eminently clear. The first is that prostitution is unequal in a less serious way than, for instance, male franchise. For in the latter the benefit (opportunity to vote) which is withheld from women is withheld from them in the strong sense that it is not legally possible for the women to vote, while in the former no such legal or formal obstacle stands in their way. In fact, instead of saying that the sex services of prostitutes are withheld or denied women, it would be more appropriate to say that centuries of cultural and social conditioning makes them desist from asking for them. It is after all only recently that women have begun to define their sexuality and require that their sexual needs and desires be recognized. Rowbotham reminds us that “‘Nymphomania’ was actually used in the 1840s to describe any woman who felt sexual desire, and such women were seen as necessarily abandoned, women of the streets, women of the lower classes.”²¹ The second point is that if, through prostitution, a benefit is “withheld” the female sex, the best way to deal with this inequality would not be an attempt to stamp out the institution but an attempt to modify it, by making the benefit in question available to both sexes.

Could it be then that the inequality of whoredom consists in the fact that some burden is unequally placed on the two sexes and in disfavor of

21. Rowbotham, p. 66.

the female sex? This allegation can be interpreted in several different ways. And I shall in what follows consider those that seem to me the most important.

To begin with, this allegation can be understood in accordance with the view that it is women, and not men, who are in peril of becoming prostitutes. But first of all, this is largely untrue since, as I have argued earlier, a great many prostitutes are men. Moreover, the perils of being a prostitute, although existent today (due to factors discussed in Sec. IV), do not constitute a good reason for abolishing harlotry; rather they constitute a good reason for a social reform that will reduce the perils to a minimum tomorrow.²²

Another way of interpreting this allegation is to say that prostitution constitutes exploitation of the female sex, since harlots are being exploited by, *inter alia*, sex capitalists and customers, and a majority of harlots are women. This interpretation of the allegation merits careful study, and I shall therefore in the first instance limit my discussion to the capitalist exploitation of prostitutes.

It is of course true that not all prostitutes can be described as workers in the sex industry. Some are in point of fact more adequately described as small-scale private entrepreneurs. Others are being exploited without being exploited by sex capitalists. Those who can be regarded as workers in the sex industry—the growing number of girls working in sex clubs and similar establishments for instance—are, of course, according to Marxist theory, being exploited in the same sense as any wage worker is exploited. But exploitation in this Marxist sense, although perhaps effective as an argument against wage labor in general, is hardly effective as an argument against prostitution.

There is no doubt, however, that practically all harlots—irrespective of whether they are high-class call girls, cheap streetwalkers, or sex-club performers—are being exploited, economically, in a much more crude sense than that in which an automobile worker at General Motors is being exploited. I am thinking here of the fact that all of them—there are very few exceptions to this—have to pay usury rents in order to be able to operate. Many are literally being plundered by their landlords—sex capitalists who often specialize in letting out rooms, flats, or apartments to people in the racket. Not a few prostitutes also have to pay for “protection” to mafiosi with close connections to organized crime.

What makes all this possible? And what are the implications of the existence of conditions such as these for the question of the alleged undesirability of prostitution? With respect to the first of these questions the answer, it seems to me, is that the major culprit is society's hypocriti-

22. To those who find this statement a bit too categorical I suggest a quick glance back to Sec. IV).

cal attitude toward harlotry and harlots. It is this hypocrisy which creates the prerequisites for the sex-capitalist exploitation of the prostitutes. Let me exemplify what I mean by society's hypocritical—and, I might add, totally inconsistent—attitude here. On the one hand, most societies, at least in the West (one deplorable exception is the United States), have followed the UN declaration which recommends that prostitution in itself should not be made illegal.²³ One would therefore expect that someone who pursues a legal activity would have the right to rent the necessary premises to advertise her services, and so on. But not so! The penal code persecutes those who rent out rooms, apartments, and other premises to prostitutes. And an editor of a Swedish newspaper was recently convicted for having accepted ads from “models” and “masseuses.” In what other legal field or branch would contradictions such as these be considered tolerable? None of course! One of the first to point out this double morality of society was Alexandra Kollontay, who as early as 1909 wrote: “But if the state tolerates the prostitutes and thereby supports their profession, then it must also accept housing for them and even—in the interest of social health and order—institute houses where they could pursue their occupation.”²⁴ And the most incredible of all is that the official motivation for outlawing persons prepared to provide harlots with the premises necessary for their legal activity is a paternalistic one: so doing is in the best interest of the hustlers themselves, who would otherwise be at the mercy of unscrupulous landlords! In practice, the risk of being thrown in jail of course scares away all but the unscrupulous individuals, who can charge sky-high rents (after all they take a certain risk) and who often are associated with the criminal world. How can anyone, therefore, be surprised at the fact that not so few hustlers display “antisocial tendencies”?

The conclusion I draw from this is that the crude economic exploitation of the prostitutes is not an argument against prostitution. It rather constitutes an accusation against the laws, regulations, and attitudes which create the preconditions for that exploitation. Society cannot both allow harlotry and deprive harlots of reasonable working conditions (as a concession to “common decency”) and still expect that all will be well.

A third way of interpreting the charge that prostitution is unequal in the sense that it places a burden on women that it does not place on men is to say that whores are being oppressed, reified, and reduced to a piece of merchandise by their male customers. To begin with the last version of this charge first, I have already pointed out the obvious, namely, that whores do not sell themselves. The individual hooker is not for sale, but her sexual services are. One could therefore with equal lack

23. United Nations, *Study on Traffic in Persons and Prostitution* (New York, 1959).

24. Kollontai, p. 46.

of propriety say of any person whose job it is to sell a certain service that he, as a result thereof, is reduced to a piece of merchandise. I cannot help suspecting that behind this talk of reduction to a piece of merchandise lies a good portion of contempt for prostitutes and the kind of services they offer for sale.

As for the version according to which the whore is reified—turned into an object, a thing—it can be understood in a similar way as the one just dealt with. But it can also be understood as the view that the customer does not look upon the prostitute as a human being but as “a piece of ass.” He is not interested in her as a person. He is exclusively interested in her sexual performance. As far as I can see, this version of the charge collapses into the kind of sentimentalistic critique that I discussed in Section III. Let me just add this: Since when does the fact that we, when visiting a professional, are not interested in him or her as a person, but only in his or her professional performance, constitute a ground for saying that the professional is dehumanized, turned into an object?

The “reification charge” may, however, be understood in still another way. It may be interpreted as saying that the whore is nothing but a means, a mere instrument, for the male customer’s ends. This also comes rather close to the sentimentalist charge. Its Kantian character does perhaps deserve a few words of comment, however. First of all, that the customer treats the harlot as a means to his ends is only partly true. The other part of the truth is that the prostitute treats her customer as a means to *her* ends. Thus, the complete truth (if it deserves to be called that) is that prostitute and customer treat *one another* as means rather than as ends.

I have to say, however, that I do not find much substance in this Kantian-inspired talk about means and ends. The kind of relationship that exists between prostitute and customer is one that we find in most service professions. It is simply cultural blindness and sexual taboos that prevent so many of us from seeing this. Moreover, in virtue of the prevalence of this type of relationship—a contractual relation in which services are traded—I suspect that those who talk about the badness of it in the case of prostitute-customer relationship have in fact long before decided that the relationship is bad on some *other*—not declared—ground. The means-ends talk is just a way of rationalizing a pre-conceived opinion.

I shall conclude this section by considering the charge that harlotry constitutes oppression of the female sex. Prostitution is here regarded as displaying male oppression of the female in its most overt and extreme form. The seriousness of this charge calls, to begin with, for a clarification of the meaning of the word “oppression.” If A oppresses B, I take it that B’s freedom of choice and action is severely reduced, against his will, as a result of actions undertaken by A against B. In the case of political oppression, for example, A thwarts B’s desire to form unions and politi-

cal parties, prevents B from expressing his political opinions, throws B in jail if he refuses to comply, and so on.

It can hardly be disputed that prostitutes are oppressed in this sense. They would not have chosen to become hustlers if some better alternative had been open to them. They are very much aware of the fact that to be a prostitute is to be socially devalued; to be at the bottom of society. To become a hooker is to make just the reverse of a career. It should be observed, however, that none of this warrants the charge that prostitution means the oppression of the female by the male sex. The oppression just described is not an oppression on the basis of sex, as male franchise would be. The "oppressor" is rather those social conditions—present in practically all known social systems—which offer some individuals (both men and women) no better alternative than hustling.

But perhaps what the charge amounts to is that the male sex's oppression of the female sex consists in the oppression of the whore by her male customer. It certainly happens that customers treat prostitutes in ways which could motivate use of the term "oppression." But this does not mean that this term typically applies to the prostitute-customer relationship. Moreover, harlots usually develop a keen eye for judging people, and that helps them to avoid many of the (latently) dangerous customers. For it is just a myth that their freedom of choice and action is reduced to a point where they have to accept customers indiscriminately. This is not even true of prostitutes in the lowest bracket, and it certainly is not true of girls in the higher ones.

It is not seldom argued from feminist quarters that the liberation of women must start with the liberation of women from exploitation of their sex. Hence the crusade against prostitution, pornography, and the use of beautiful women in commercial advertising, etc. It is argued that women's lib must have as its primary goal the abolition of the (ab)use of the female sex as a commodity. As long as the female sex is up for sale, just like any other commercial object, there can be no true liberation from oppression.

To the reader who has read this far it should be obvious that, at least in part, this type of reasoning rests on or is misguided by such misnomers as "the whore sells her body," "to live by selling oneself," "to buy oneself a piece of ass," etc. So I need not say any more about that. Instead I wish to make a comparison between a typical middle-class housewife in suburbia and her prostitute counterpart, the moderately successful call girl. And I ask, emotional prejudice aside, which of them needs to be "liberated" the most? Both are doing fairly well economically, but while the housewife is totally dependent on her husband, at least economically, the call girl in that respect stands on her own two feet. If she has a pimp, it is she, not he, who is the breadwinner in the family. Is she a traitor to her own sex? If she is (which I doubt), she is no more a traitor to her own sex than her bourgeois counterpart. For, after all, Engels was basically right when he said that the major difference be-

tween the two is that the one hires out her body on piecework while the other hires it out once and for all.

All this does not mean that I am unsympathetic toward the aspirations of the feminist movement. It rather means that I disagree with its order of priorities.

Both men and women need to be liberated from the harness of their respective sex roles. But in order to be able to do this, we must liberate ourselves from those mental fossils which prevent us from looking upon sex and sexuality with the same naturalness as upon our cravings for food and drink. And, contrary to popular belief, we may have something to learn from prostitution in this respect, namely, that coition resembles nourishment in that if it can not be obtained in any other way it can always be bought. And bought meals are not always the worst.

VII. THE CHARGE OF COMMERCIALIZATION OF SOCIETY

Very few reflective persons would regard a totally commercialized society as a good society. Most of us think that there are certain areas of life that should be as exempt from commercialism as possible. We tend, for example, to take a dim view of people who use money to substitute true friendship with bought "friends." And we hardly consider it proper to buy moral or political beliefs as we buy beer or toothpaste.

In a previous section (Sec. III) I have already discussed the charge against prostitution that it involves the selling of something that ought not to be sold. Here I shall examine a different but related view, namely, the charge that prostitution contributes to the commercialization of society. The charge is that prostitution strengthens the commercial elements in society and that, by way of example, it encourages a commercialistic life-style.

To make this charge as strong as possible I shall assume that it is not inspired by the kind of puritanical anticommmercialism which considers all business as dirty business. I shall regard it as an expression of the view, which I share, that a thoroughly commercialized society represents not a utopia but a dystopia.

It is, in my opinion, a deplorable fact that we are close to a point where almost any social activity presupposes that we act as consumers. And it gets increasingly difficult, especially for the young, to avoid the illusion that the solution to practically every problem in living lies in consumption.

My objection to the present charge against prostitution is, thus, not normative. It is rather of an empirical nature. I do not wish to exclude the possibility that prostitution, through the power of example, to some extent contributes to the commercialization of society. But I do wish to deny that its causal influence in this direction is more than utterly marginal.

First of all, this charge seems difficult to square with the historical

fact that most societies which have seen harlotry flourish have been societies that hardly deserve to be described as commercialized. In no society has prostitution been more than a minor commercial and economic phenomenon.

Moreover, if there were a causal connection between prostitution and commercialization, one would expect the latter to be a contributing cause of the former rather than the reverse. For one would possibly expect a society in which practically everything is bought and sold to be more tolerant also to the buying and selling of sexual services.

However that may be, I think we have to look elsewhere for the real causes of the spreading of commerce to new areas of life. The core of any capitalist society is the production of commodities and services for profit. If a capitalist does not have a superior product to sell, if he does not have more effective methods of marketing at his disposal, or if he is otherwise unable to beat competition, he is likely to try to reach his goal—maximum profit—by introducing a new commodity or service. And in many cases this will of course result in a commercialization of previously noncommercial areas.

I have previously denied the Marxist claim that prostitution is based on and falls with capitalism. And what I just said is not inconsistent with this. For, to begin with, mercenary sex is not a capitalist invention. Furthermore, even in modern capitalist societies, most prostitutes work on their own. Unlike, for instance, porno models, they are typically not workers in the sex industry.

In saying this, I am denying something like the opposite of the Marxist claim, namely, that prostitution is one of the factors that generates a capitalistic commercialization of society. Capitalism is perfectly able to create commercialistic dystopias on its own. It hardly needs the aid of prostitution in the process.

If we want to fight against the increasing commercialization of society, we must fight against its capitalistic roots rather than against such loosely related symptoms of human dissatisfaction as prostitution.

VIII. THE CHARGE OF A DISTURBED EMOTIONAL LIFE

Most of the emotional problems that often afflict prostitutes can be traced back to the social stigma that we attach to their way of life. If our attitudes to sexuality, promiscuity, and mercenary sex were different—if for example, prostitutes were held in esteem instead of in degradation—I am convinced that they would display very little of the mental disturbances that not seldom haunt them today.

But is it not possible that certain emotional problems would always remain, no matter how the attitudes of the surrounding society changed? Is it not likely, for instance, that even a harlot whose occupation was held in esteem would find her own love life, her feelings for the

man she loves, disturbed by her professional activities? Can one have a well-functioning sexual life if sex is what one lives by? Compulsive behavior apart, the sex drive is no more of an insatiable appetite than hunger. Must not, therefore, the repetitious performance of sexual acts always in the end result in nausea or total indifference? And if the prostitute tries to avoid this effect through a complete detachment, not allowing herself to feel anything when with a customer, will she be able to "switch on" her feelings when with her lover?

I must admit that I do not feel certain what to say about this charge, which we may call "the charge of a disturbed emotional life." Since those prostitutes who are active today are victims of our present scornful attitudes, we cannot but speculate what would happen to their emotional lives if those attitudes were changed in a positive direction. I am inclined to think, however, that some prostitutes, even under the best of circumstances, would run the risk of getting emotional problems. But on the other hand, some prostitutes seem capable of preserving their integrity and sensibility even under the adverse conditions of today.

Since we cannot but speculate, no definite conclusions can be drawn. I wish to add, however, that I think that if prostitution were to be reformed in accordance with the suggestions that I am presently about to make, no prostitute would have to continue in the profession, should she (or he) find that she (or he) was not suited for it.

IX. CAN PROSTITUTION BE ABOLISHED?

Hitherto I have been exclusively concerned with the thesis that prostitution is an undesirable social phenomenon. I now come to the thesis that it can and ought to be eradicated.

The thesis that prostitution can and ought to be eradicated is, of course, relatively independent of the thesis that it is undesirable. For, even if undesirable, it neither follows that it can nor that it should be eradicated. But since this thesis usually forms an integrate part of the set of antiprostitution postulates, I think that a critical examination of it is definitely called for in the present context.

Although no entirely satisfactory scientific explanation of mercenary sex exists today, the theories and data available seem adequate enough to allow certain well-founded conclusions as regards the eradicability of prostitution. The data available, however, also seem to disconfirm some theories.

In what follows I shall argue with Kingsley Davis that "we can imagine a social system in which the motive for prostitution would be completely absent, but we cannot imagine that the system could ever come to pass."²⁵

To explain a natural or social phenomenon is to state its causes. As

25. Davis (n. 3 above), p. 391.

we have seen, according to Marxist theory the causes of harlotry are to be found among the economic and productive arrangements of society. Briefly speaking, the sole, or at least major, cause of prostitution is, according to this type of theory, the general social condition of women under capitalist production, particularly their economic deprivation and exploitation.

If true, Marxist theory would, in my view, constitute a good reason both for the view that prostitution is undesirable and for the view that it ought to be eradicated. For it is no doubt empirically possible to do away with capitalism. And who likes economic deprivation and exploitation? Unfortunately, as I have argued elsewhere in this essay,²⁶ the simplistic Marxist view seems extremely hard to square with well-established data. Let me just, in corroboration of this contention, add a few facts from the Swedish scene. During the deep recession in the 1930s a steady *decrease* of the rate of prostitution took place. But in the 1970s, in our welfare society which has few counterparts in the world, there has been a sharp *increase* in the amount of prostitution. And during this period the Swedish economic system has not undergone any drastic changes as far as capitalism is concerned. It remains as capitalistic today as it was in the 1930s.

This does not mean that I wish to deny that economic factors play a role as causes of (i) the existence of prostitutes, (ii) the rate of the demand for their services, (iii) the number of prostitutes in a particular society, (iv) any particular individual's entrance into prostitution, and (v) any particular individual's demand for mercenary sex. On the contrary, I believe that economic factors may influence all of these things. But I do believe that exclusive reference to economic factors is grossly inadequate as an explanation of so complex a phenomenon as prostitution.²⁷

If economic changes of society cannot achieve the abolition of prostitution, what changes, if any, can? What would a society be like in which prostitution would be nonexistent? In theory, harlotry can be eradicated by suppressing the supply of harlots, or the demand for their services, or both. Harlotry can also be abolished in a society such that *no one has* any reason or need to use extraneous means in order to obtain gratification. Let us consider these possibilities in turn.

To be able to advocate the suppression of commercial sex, one's outlook must, I think, be completely ahistorical. For if there is one single general truth about human societies, it is that all attempts at suppressing prostitution—and they are innumerable—have failed completely. The harder and more efficacious the coercive measures, the deeper underground the mercenaries in sex are driven, but never is prostitution stamped out. History also teaches us that the effects of attempted sup-

26. In Sec. V.

27. Here I am indebted to Davis.

pressions of prostitution are usually devastating, particularly for the prostitutes. As far as I can see, it would take at least a society as repugnant as that described by Orwell in his *1984* in terms of totalitarian supervision and coercive measures to suppress prostitution. And who but a fanatic antiprostitutionist would be willing to achieve this end at that price?

Suppression, however, is a negative and destructive path to take. Could not the same end be achieved by means of some more positive or constructive method? Could not a social state of affairs be realized in which mercenary sex would be *superfluous* rather than suppressed?

Since, short of absolute and complete totalitarianism, the supply of prostitutes will not cease until there is practically no demand for the services of whores, all positive and constructive measures aiming at the abolishment of harlotry must aim at abolishing the *demand* for mercenary sex. Can we envisage a social system in which this type of demand would be absent? And what would it be like? Davis answers as follows:

It would be a regime of absolute sexual freedom, wherein intercourse were practised solely for the pleasure of it, by both parties. This would entail at least two conditions: *First*, there could be no institutional control of sexual expression. Marriage, with its concomitants of engagement, jealousy, divorce, and legitimacy, could not exist. Such an institution builds upon and limits the sexual urge, making sex expression contingent upon non-sexual factors, and thereby paving the way for intercourse against one's physical inclinations. *Second*, all sexual desire would have to be mutually complementary. One person could not be erotically attracted to a non-responsive person, because such a situation would inevitably involve frustration and give a motive for using force, fraud, authority, or money to induce the unwilling person to co-operate.²⁸

And it is, of course, totally unrealistic to think that this will ever happen.

Benjamin and Masters are also, like in fact most writers on the subject, completely pessimistic as far as the elimination of the demand is concerned: "Yet it would seem that only in a society—thoroughly abhorrent to contemplate—where every male and every female could have access upon demand to every other male and female, would the problem of frustration be solved and the demand for prostitution thus be eliminated."²⁹ I have no serious objections to these views, but I think that they need to be supplemented lest the full extent of the unreality of eliminating the demand be underestimated. In the passages just quoted, a central role is attributed to *frustration* of sexual needs with respect to the existence of the demand for prostitution. But unless "frustration" is

28. *Ibid.*, p. 391.

29. Benjamin and Masters (n. 4 above), p. 116.

taken to have a very inclusive meaning, it seems to me that not even the elimination of frustration would be sufficient to eliminate the demand for prostitution. Both Davis and Benjamin and Masters seem to be aware of this. Davis, for instance, says: "But in addition to the sheer desire for sexual satisfaction, there is the desire for satisfaction in a particular (often an unsanctioned) way. . . . The craving for variety, for perverse gratification, for mysterious and provocative surroundings, for intercourse free from entangling cares and civilized pretense, all play their part."³⁰ And Benjamin and Masters seem to touch upon still another factor influencing the demand when they write: "For example, it is an unfortunate truism that with the passage of the years the attractiveness of the marriage partner as a sex partner typically diminishes and often vanishes; yet there frequently remains a powerful affectional bond that neither husband nor wife would wish to break. Even the most hostile critic of the prostitute will often concede that she plays a socially valuable role in helping to preserve such marriages."³¹ All these factors could (and probably will) be influenced by a growing tolerance toward promiscuous behavior by both sexes. But not even the most permissive values in the area of sexual expression could do more than diminish the demand.³²

It is also naive to think that an open, honest, and equal relationship between partners would do away with the demand for prostitution. Sexual attraction and the lack of it are largely irrational phenomena and as such they are only marginally influenceable (thank heaven!) by open, honest discussions between equal men and women. Moreover, it is my guess that when equality between the sexes is achieved we will see an increase in the demand for male heterosexual prostitutes. The degree of female frustration that exists today (but is rarely spoken of) will then no longer be tolerated, rationalized, or sublimated, but channeled into a demand for, *inter alia*, mercenary sex. An outlet which always has been the privilege of men will then also be available to women.³³

The points which have been put forward in this section may, I think, be summed up in the following way. It is a mistake to think that prostitution can be eradicated by eradicating such things as poverty, illiteracy,

30. Davis, p. 390.

31. Benjamin and Masters, pp. 435-36.

32. A fact that is often overlooked, when in the discussion a growing sexual freedom is regarded as an alternative to prostitution, is that with a larger sexual freedom and a greater tolerance toward promiscuity also follows a weakening of the social and psychological barriers that previously, rather effectively, prevented many individuals from entrance into prostitution.

33. That the lack of male heterosexual prostitutes is due to physiological factors is, of course, a myth. That inability to achieve erection would constitute an obstacle is gainsaid by the practices of male homosexual prostitutes (see Benjamin and Masters, *Prostitution and Morality*, chap. 10). Moreover, actual intercourse is only one type of sexual service, among many others, that a prostitute typically sells.

sex and class inequalities, broken homes, and impoverished living conditions generally. For one thing, measures such as these will be the supply of prostitutes while the existence and rate of the demand will remain untouched, and it is the demand which calls forth the supply. For another, not even the supply is due solely to economic causes. It is also a mistake to think that prostitution can be suppressed by employing various punitive and coercive methods. All such attempts are not only doomed to fail, they also create an enormous amount of avoidable suffering. Third, and most important of all, it is a mistake to think that prostitution can be made superfluous by eliminating the demand for mercenary sex. For the fact is that the social system where no one would ask for the services of harlots, although imaginable, is so totally unrealistic that no one who has carefully considered the matter can seriously believe that it will ever come to pass. This is neither pessimism nor defeatism but realism.

If someone, after careful consideration of the data, still insists upon the view that the best policy to adopt toward prostitution is to suppress it effectively, we are, I think, morally entitled to require that this person, before any part of his suggested policy is put into action, presents us with a detailed solution of the equation that no one has previously been able to solve, namely, how to prevent prostitution while preserving fundamental rights and liberties. By this I do not mean that it is a fundamental right to prostitute oneself (it is hardly a right at all). What I mean is that it has proven impossible to prevent prostitution without violating fundamental rights and liberties. And I find this price far too high to pay for almost any social change, let alone a change the value of which is highly doubtful.

But from the fact that prostitution can neither be suppressed (short of a brave new world) nor rendered superfluous (short of utopia), it does not follow that we must give in to the conservative notion that we live in the best of all worlds as far as prostitution is concerned. For it is hardly an exaggeration to say that the situation of today is highly unsatisfactory, especially with respect to those most primarily concerned: the prostitutes.

Given all this, the only reasonable conclusion is that prostitution ought not to be eradicated, but reformed. How? A few words will be said about this vast subject in the next section.

X. SOME POLICY SUGGESTIONS

In several of the previous sections of this essay I have had occasion to discuss the negative features of prostitution as it functions today (and has long functioned) in most societies: the great professional hazards; the economic exploitation; the antisocial tendencies of people in the racket, their frequent association with the criminal world and organized crime, and the stigma attached to their profession; etc. But in distinction

to all those who hold these negative features against prostitution (as if they were intrinsic to it), I regard them as the avoidable result of values and attitudes of the society wherein prostitution occurs. And these values and attitudes are not only detrimental to prostitution, *they are also detrimental to the relations between the sexes generally*. But more of this presently.

How can I say that the negative features are the *avoidable* result of values and attitudes of the surrounding society? Is it not just as unrealistic to think that our attitudes toward sex and sexuality can be changed within a reasonable period of time as it is to think that the demand for mercenary sex can be eliminated? My answer is: Not quite. For it is after all less difficult to alter our views, attitudes, and values than to alter our physiological nature. Think, for instance, how the average American's attitudes toward Negroes have changed during recent decades.

I admit, of course, that a change in our attitudes toward prostitution must be regarded as a long-range goal that it will take a long time to realize. In the meantime a great many prostitutes will continue to suffer from our present prejudices. A program for more immediate action is therefore also called for. In this section I shall, to begin with, make some suggestions with respect to this more immediate reform program. I shall also have something to say about those values and attitudes which have negative effects on, *inter alia*, prostitution and prostitutes. I shall finally suggest, in outline, my conception of a sound prostitution, a prostitution which is allowed to function in a social climate freed from prejudice.

The first and most urgent step to take is to decriminalize prostitution in those places where it is still a crime to be or to visit a whore. For, as long as harlotry is lumped together with crime there are hardly any chances of improvement. Fortunately, most societies have taken this step. But even in these societies the progress made is not seldom threatened by various groups who would like to see prostitution re-criminalized.

The second step is to improve the housing situation for prostitutes. The prostitute must be given the right to rent a suitable location in her/his capacity as a prostitute. The same legal rules that prohibit a landlord from refusing a tenant *in spe* should be made to apply in the case of the prostitute. Thus, that the tenant *in spe* is a harlot should not constitute adequate ground for refusal. It should also be made impossible for a landlord to evict a person simply because she/he is a hustler. Nor should it be allowed to refuse or evict someone on the ground that other tenants do not wish to live next door to a whore. People sometimes do not wish to live next door to Negroes, gypsies, and mentally retarded persons either, but just as in those cases society should not, in the case of prostitutes, attribute these wishes any legal weight. And, as a corollary to these suggestions, no landlord who charges normal rents should have to run the risk of being convicted for bawdry.

What positive effects would this have? First, it would greatly reduce the crude economic exploitation of harlots. Being able to rent a flat without pretense, they would no longer have to pay usury rents to unscrupulous landlords. Second, it would tend to diminish some of the occupational hazards, notably those related to the feeling of insecurity, of being secluded, deprived of the rights of ordinary citizens. Third, it would tend to weaken the association between prostitution and organized crime.

What negative effects, if any, would this have? As far as I can see, the major negative effect would be that certain "respectable" citizens would get their feelings of decency upset by having to live in the same house or neighborhood as a prostitute. But this negative effect is, in my opinion, outweighed by the fact that the customers will not have to walk so far to visit one.

A third urgent step is to develop a program intended to get rid of child and teenage prostitution. Minors should as far as possible be prevented from entrance into prostitution, not on moralistic but on paternalistic grounds. For in the case of minors, paternalistic measures seem justified for the same reasons as they are justified in other social matters. Do I contradict myself when I recommend this? Not at all, for from the fact that prostitution generally is inevitable it does not follow that prostitution among minors is. The difficulties of finding an effective antidote should, however, not be underestimated. And we must beware of constructing a program that, although well intended, will make the already difficult situation of the young hustlers even worse. Punitive and coercive measures must therefore be banned from such a program. But first and foremost we must do research in order to discover more about the causes of prostitution among minors.³⁴ The sad truth is that we do not know enough about the causes of prostitution in general, and we know even less about the causes of child and teenage prostitution. That drug addiction constitutes one of the causes can hardly be disputed, however. Any effective program against hustling among the young must therefore be coordinated with the measures undertaken to prevent the use of narcotics. An effective program must also give due consideration to the possibility that today's minors have a different attitude toward sex and sexuality than today's adults. For no measures can be effective without good communication.

As for adult prostitution, I have suggested that it should be reformed rather than abolished. But the most important part of that reform does not concern prostitution and prostitutes but our *attitudes* toward them. For it seems to me impossible to come to grips with the negative aspects of harlotry without a change of our values and attitudes.

34. A Swedish public commission (Prostitutionsutredningen) formed in 1977 is presently working on, *inter alia*, this problem. Its results have, however, not yet been published.

Which values and attitudes? And why should they be changed? It would take an essay of its own to deal with these questions exhaustively, so I shall have to confine myself to a few examples and the outlines of a justification.

In my view, contempt for whores and contempt for women are closely related. The devaluation of the female sex is a permanent part of the Western tradition of ideas, reinforced by the Christian so-called culture. As an early example, according to Aristotle we should "look upon the female state as being as it were a deformity though one which occurs in the ordinary course of nature."³⁵ And according to Freud, who in many respects echoes Aristotle, woman is pictured as partial man: "She [the female child] acknowledges the fact of her castration, and with it too, the superiority of the male."³⁶ The influence of these and numerous other similar ideas has, with the passage of the years and often in vulgarized form, been sedimented in public opinion.

In order to see the relationship between contempt for women and contempt for harlots, another important part of the Western tradition of ideas must be added, namely, the devaluation of sexuality. Both contempt for the female sex and the devaluation of sexuality have their roots in the ancient notion that man consists of two distinct parts, body and soul, of which the second is immensely more valuable than the first. As is well known, the soul, according to Plato, does not really belong here in our material world, the world of the senses. It belongs to the spiritual world, although it temporarily takes its seat (or is imprisoned) in the body. These ideas were later developed by Aristotle and the purveyor of philosophy to the Catholic church, Thomas Aquinas. The originally Orphic distinction between body and soul was soon transformed, especially under the influence of Christian thinkers such as Saint Augustine, to a general devaluation of the body, bodily functions, and sexuality. Saint Augustine, for instance, seems to have been greatly disappointed in the Creator for not having made human reproduction possible in a less crudely bodily and pleasurable way. In the Christian tradition generally the body and its functions, especially when associated with pleasure, have typically been regarded as sinful.

In a culture where both the female sex and sexuality are devaluated it is only "logical" to place the prostitute—an individual who is not only a female but who also earns her living by means of her female sex by selling sexual services—at the bottom of the scale of social approval.

It is a grave mistake to think that ideas and attitudes of this nature, in our present "enlightened" and "liberated" era, have lost their power of influence and that contemporary critics of such things as pornog-

35. Aristotle, *The Generation of Animals*, quoted in Caroline Whitbeck, "Theories of Sex Difference," *Philosophical Forum* 5, nos. 1 and 2 (1973-74): 54-80, quote from p. 56.

36. Sigmund Freud, *Female Sexuality*, quoted in Whitbeck, p. 69.

raphy and prostitution rely on entirely different sources. One common notion behind the opposition to pornography, for instance, seems to be that it reduces man (or more frequently, woman) to an object, to a certain amount of flesh. Translated into the tradition just described, this becomes: Pornography catches only the bodily aspect of man, thereby totally disregarding his soul. It is sheer self-deception to retort here that the opposition to pornography is based rather on its commercialistic character, for a nude by Picasso is just as much a commercial object as a copy of *Playboy*. In fact, scorn for pornography, erotic art, and nudity in general fits excellently into the traditional scorn for the human body. When two persons go to bed with each other for no other reason than that they are physically attracted to each other, their behavior, according to conventional standards, is *brutish*. And according to somewhat more sophisticated standards, the relation is regarded as *impoverished* (see the sentimentalist critique of prostitution). Poor of what? Well, in the Aristotelian, Augustinian tradition animals have no soul. Thus, what makes the couple's behavior brutish is its lack of "soul." Another example of a prevailing attitude, whose roots can be traced back to this tradition, is our attitude toward physical beauty and native intelligence. If a woman excels in beauty without excelling in intelligence, she is said to be "*merely*" beautiful, while if she excels in intelligence without excelling in beauty, she is hardly said to be "*merely*" intelligent. But then, after all, intelligence is excellence of the "soul," while physical beauty is no more than excellence of the body.

This list of examples could be made much longer (the reader is invited to provide examples of his own), but those given should suffice to make it clear that our outlook as far as sex roles, relations between the sexes, and sexuality are concerned is still very much under the influence of time-honored, but primitive, ideas and attitudes—ideas and attitudes which have negative effects not only on prostitution and prostitutes but also on the relations between the sexes generally. I find it particularly sad that so many feminists seem unable to understand that contempt for harlotry involves contempt for the female sex.

Our attitudes toward sexual expression in general, and mercenary sex in particular, ought to be modified or abandoned partly because of the damage that they do, partly because they represent prejudices in the sense that they are rooted in false beliefs. Women are not partial men nor is the female sex a deformity. And the distinction between body and soul, with all its metaphysical and religious ramifications, apart from being philosophically highly dubious, is the source of more human misery than almost any other.

A sound prostitution is, first of all, a prostitution that is allowed to function in a social climate freed from emotional prejudice of the kind described above. Prostitution can never be rid of its most serious negative aspects (primarily the suffering the prostitutes have to endure) in a

society where females are regarded as inferior to males and where man's physical nature is regarded as inferior to his spiritual nature.

A sound prostitution is, furthermore, a prostitution such that those who become prostitutes are adults who are not compelled to prostitute themselves but who freely choose to do so in the same sense of "freely" as anyone's trade or occupation may be said to be freely chosen. A sound prostitution is, in other words, a prostitution of voluntary, not compulsive, hustlers.

A sound prostitution is, third, a prostitution that is legal, and where the prostitutes are not persecuted but attributed the same rights as ordinary citizens as a recognition of the fact that they fulfill a socially valuable function by, *inter alia*, decreasing the amount of sexual misery in society.

A sound prostitution is, fourth, a prostitution such that the prostitutes are no more economically exploited than wage workers in general.

A sound prostitution is, finally, a prostitution that is equally available to both sexes.

Of these conditions I regard the first as the most fundamental. Without it being at least partially satisfied, the satisfaction of the others seems most difficult. Thus, if I were to sum up the principal view put forward in this concluding section, it would be formulated as follows: *in order to improve prostitution, we must first and foremost improve our attitudes toward it.*

I admit that a sound prostitution in this sense is far from easy to realize, but this does not mean that I think that it is unrealistic. As far as I can see, we have at least begun to liberate ourselves from some of the archaic strands of Western thought. But we surely still have a long way ahead of us.

In conclusion, I wish to emphasize once again that I do not regard prostitution, not even a sound prostitution, as in any way *ultimately* desirable. Its desirability is conditional upon certain ubiquitous and permanent imperfections of actual human societies. In a perfectly good society, however, it would be superfluous.