

Is Prostitution Morally Wrong?

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Being an essay apparently set out to answer the question if prostitution is morally wrong the following discussion runs short of presenting any decisive arguments in either direction. Rather it is a question about the question, a discussion about what philosophers and laymen are doing when they are trying to address the problem. An appropriate subtitle could have been 'Are we talking about the same thing?' since the philosophical discussion, although it may be fruitful in its own area, in many respects seems to be missing the point of what is usually going on when we are discussing, and condemning prostitution. I comment on the philosophical account of prostitution as a business exchange between two free individuals in the following way. First I raise the question in what way the philosophic description corresponds to our usual understanding of prostitution, and criticise the former for not paying enough attention to the context surrounding the practice. Then I will go on to discuss in which contexts it would be appropriate to talk about prostitution, and as what kind of relationship we could regard the agreement between prostitute and client.

I

The most commonly held view in favour for a more liberal attitude towards prostitution can be characterised as a contractualist idea.¹ The view that the advocates of this idea are bringing forward is that prostitution, instead of being seen as a question of moral importance, mainly should be seen as a contract between two free individuals. There are many activities in human life that we usually do not attach any moral dimension to, the argument goes, and prostitution should be seen as one of them, the selling and buying of sex not being different from the selling and buying of any other product or service. That we still tend to regard prostitution as immoral is only part of an old way of thinking about sexuality in society, a view that is to be compared with the views previously held against premarital sex. In the same way as people earlier on linked sex with marriage, we are now mixing up plain sex with a romantic notion of love, according to the argument. This leads us to treat the people going about their sex life in a different way unfairly, thereby causing them additional stress, bad conscience, etc. that is not called for. What the contractualists are trying to make us see is that prostitution is not so much a question of moral, but a question of taste. Some people might prefer sex in the context of marriage or love, but this does not give them the right to condemn people who can make do with going to a prostitute, in the same way as we no longer blame people for having sex before marriage.

The contractualists are quite correct in introducing this element of taste into the discussion of sexual relationships, since there seems to be much room for different

¹ David Archard uses the word contractualist to represent the idea, and the advocates for this idea, in "Sex for sale: the morality of prostitution", *Cogito* (1989) and I am taking up his usage in this essay. Two philosophical accounts that can be said to represent this idea are Mark R. Wicclair, "Is prostitution morally wrong?", *Philosophy Research Archives* 7 (1981) and Igor Primoratz, "What's Wrong with Prostitution?", *Philosophy* 68 (1993).

preferences in the area. It is pretty clear that the fact that one person might prefer sex with somebody he loves does not give him reason enough to judge somebody else who leads a more promiscuous life, in the same way that a person's heterosexual preferences does not give him the right to pass moral judgements on people who have other preferences. The first case might just touch upon what could be thought of as immoral, though. Saying that everything in sexuality is a question of taste, however, seems to be a simplified account of what is going on. The contractualists seem to be missing that a sexual relationship is a human relationship, and that even though there are human relationships where the moral dimension usually does not arise, this does not mean that the moral dimension cannot arise in some circumstances. In fact this moral dimension seems to be the basis for every human relationship, granting that we treat the other person with at least some decency, even if we usually do not think of this as particularly moral. I am going to return to this question later in the discussion. First, however, I am going to take a look at the question the contractualists are raising and see how it is related to the issues we usually consider as difficult in the discussion of prostitution.

II

For being such a clear cut issue as the contractualists make it out to be, their account of prostitution seems to clash surprisingly much with our moral intuitions in the area. We might of course explain away these intuitions as mere prejudice as the contractualists have tried to do, and regard them as equal in nature to, for example, the long held view that homosexuality was immoral. However, we should not be too quick to set aside these intuitions. They might well be proven false or misguided, after being put to thorough investigation, but they might also turn out to show us something that we otherwise would be missing. We might therefore take these intuitions seriously, see where they take us and why this way of looking at prostitution seems to differ so much from that of the contractualists'.

The contractualists view prostitution as a contract between two free individuals, an exchange of sex for money, and do not see anything wrong in this. They might be right in claiming this, but their depiction of prostitution does not necessarily correspond to our usual conception of it. In reality, prostitution is not simply an exchange between two free individuals; it is a complex of bad social conditions forcing young girls and immigrants into a demeaning and degrading way of life, pimps and madams pulling strings, drug-addicts trying to get money for the next injection, and so on. It is an intricate web made up of coercion and determinism instead of freedom and choice, reflecting on the way society think of women or human beings over all. This is what we usually think of when we are talking about prostitution and condemning aspects of this practice. It is not the abstract the philosophers are defining and defending in their discussion that we are opposing, we might very well agree with the philosophers on this, it is the concrete world that we meet in ordinary life that is creating problems for us. Unfortunately, it looks as if the contractualists have failed to see this distinction between their definition and the activity they are trying to define. They are making a great case of arguing for and defending their definition of prostitution, without noticing that their definition might not do the work it is supposed to do.

III

This leads us to the more general question of how much a definition should entail to be a correct account of the phenomenon it is describing, and how much could be ascribed to the

situation surrounding the phenomenon. In the case of prostitution I have criticised the contractualists for leaving out too much of the circumstances surrounding prostitution in defining it as an exchange between two free individuals. This is an especially grave omission in a discussion trying to say something about the moral character of an activity. Seeing the moral or immoral in a situation is, to a large extent, namely seeing the situation. It is the context surrounding an activity that gives it its meaning. Trying to describe an activity in itself, without reference to what happened before or will happen after the event, is bound to be a very empty description; at least it will not tell us very much about what we set out to describe. We might, for example, consider the differences between a man having sex with his wife and a man having sex with a prostitute. What the men are doing, that is their bodily movements, might be the same in both situations, in fact we may imagine that the description of the two situations in terms of bodily movements would be exactly the same, but still the men cannot be said to be doing the same thing. In the first situation we have a man having sex with, maybe even making love to, his wife, a woman he is committed to in different ways; he has made her certain promises, he is sharing his life with her, he might be raising his children with her. What he is doing right now is connected with what he has been doing with this woman in the past and what he will be doing, or what is expected of him to be doing, with her in the future. In the second situation we have a man having sex with a prostitute, somebody he does not have to know or does not have any relationship to apart from the sexual act, and the money he has given her in exchange for it.

The two accounts of the 'same' event do not in themselves commit us to go in any direction concerning the moral status of the event, the only point I am wishing to stress is that the different descriptions will be important for how we view and understand the events in a moral, as well as amoral, sense. The different accounts we can give of an event also give us a taste of the somewhat blurry edges surrounding the concept of prostitution. Prostitution is not just one thing; it includes everything from the prostitute on the street who is forced to have sex with whomever her pimp chooses to the 'upper class' prostitute who is able to choose her own clients and might even be attracted to, or have 'long term relationships' with some of her clients. It also touches on delicate subjects as women having sexual relationships with their bosses to move forward in their careers, or dates ending up with the expectation of sex as a compensation for the money spent on the girl earlier in the evening. To extract some essence from all these different situations and say something absolute about their moral character might very well be an impossible task. This does not mean that we cannot say anything about prostitution in a moral connection, and in the following I will argue for the place I think morality may take in our discussion of prostitution.

IV

Saying that the contractualists simply are leaving out all considerations of context in their account of prostitution is a bit hasty. One of the things the contractualists are trying to do is namely not removing the context, but moving the emphasis from one context we can see sex in to another, that is from viewing sex as something that essentially is bound up with love to something that can also be described as a business transaction. The question then is, in which contexts we can find it appropriate to talk about sex without losing something that is essential to our usual understanding of the activity?

I think we can agree with the contractualists that love or marriage might be too narrow a context for regarding every sexual activity happening outside it as immoral. Our concept of sex might well entail more than that. The question now is how we want to view sex over all and which comparisons we want to make in the case of prostitution? It is, I assume, clear that sex between two lovers in most instances is not the same as sex between the prostitute and

her client. Comparing the sex in the latter case with any other business transaction, the exchange of any other service, seems to be lacking something important, though. Sexual relationships are, as I have already remarked, human relationships and there seems to be something wrong in being able to buy or sell something like that. That we cannot buy friendship or love is something we learn early on in life, so how come we can buy sex? It might be argued that sex is the least personal of the close human relationships, we do not have to invest any emotions in it, do not have to know the other person, and so on, but then again it might be argued that it is one of the most personal too. It involves intimate body contact and considering how disturbed we can feel if a strange person stands too close to us, feeling that he is, so to speak, intruding on our personal space, how intruded would we not feel having the strange person over us, penetrating us?

In most cases of prostitution the client also seems to be buying more than sex, namely, the power over another person, or the power not to think of the prostitute as another person. The client is buying the right to treat the prostitute in a way he would not ordinarily treat another human being, or a person he otherwise would have sex with. He does not have to pay attention to the prostitute's needs or pleasure, attend to her wishes or respond to her desires, in short he does not have to show the prostitute the consideration and respect another person usually demand of him. Of course, there might also be cases where the pleasure the prostitute might feel during the sexual act might be of importance to the client, or where the fact that the prostitute actually is a person might be essential to the client's experience. This does not count out the fact that the prostitute in many cases enables the client to leave out the considerations a sexual, or human relationship, normally would demand of him. This may also be part of the attraction of prostitution since it allows the client to invest nothing of himself in the act, or the other person, and only focus on the prostitute as a means to his own satisfaction.

One might of course argue that this omission of seeing the person in another human being is not only present in the case of prostitution, but that we in many respects of our lives treat other persons as means without finding it morally repugnant. However, this argument seems to be missing the point of a moral command. Even though there might be circumstances where we fail to recognise, or act upon, the demands other people impose on us, by simply being other human beings, this does not remove the force of the moral command. When it comes to morality we can always try to be better. We may not always reach very far in our aspirations, but this does not mean we should stop aiming higher. This may sound high flying but it is the way we talk, and maybe have to talk about morality. It is part of the language of morality, the way we understand ourselves and try to make do as, and among moral beings.

Conclusion

In this essay I have tried to show that the contractualist account of prostitution is missing the point it is trying to make in answering the question of whether prostitution is morally wrong. They do this by failing to see that their definition of prostitution as an exchange between two free individuals does not capture the difficulties and nuances involved in the matter. I have criticised the contractualist account of prostitution in that it leaves out too much of the context surrounding prostitution, or that it tries to place prostitution in a context that does not correspond to the way we usually view prostitution. I have also argued for a context that might give us some insights into how we could talk about prostitution in a moral manner, that is in the context of a human relationship, with the demands another human being or person is imposing on us.

It might be that there would not be anything morally wrong in a situation where two consenting adults out of their own free will and choice with mutual respect, would enter a sexual relationship that also would include the exchange of money. In saying this, however, we are already saying more than the contractualists are. We are not only talking about contracts and free individuals, we are elaborating on a context where such a practise might be acceptable. With this I hope to have shown that the notion of morality is not as bound up with the ability to produce rational arguments in any direction as with a sensitivity for which circumstances and facts (used in a broad sense) can make a difference in our judgements of a certain situation.