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Source: *Ethics*, Oct., 1995, Vol. 106, No. 1 (Oct., 1995), pp. 63-85

Published by: The University of Chicago Press

Stable URL: <https://www.jstor.org/stable/2382005>

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Markets in Women's Sexual Labor*

Debra Satz

There is a widely shared intuition that markets are inappropriate for some kinds of human endeavor: that some things simply should not be bought and sold. For example, virtually everyone believes that love and friendship should have no price. The sale of other human capacities is disputed, but many people believe that there is something about sexual and reproductive activities that makes their sale inappropriate. I have called the thesis supported by this intuition the asymmetry thesis.¹ Those who hold the asymmetry thesis believe that markets in reproduction and sex are asymmetric to other labor markets. They think that treating sexual and reproductive capacities as commodities, as goods to be developed and exchanged for a price, is worse than treating our other capacities as commodities. They think that there is something wrong with commercial surrogacy and prostitution that is not wrong with teaching and professional sports.

The intuition that there is a distinction between markets in different human capacities is a deep one, even among people who ultimately think that the distinction does not justify legally forbidding sales of reproductive capacity and sex. I accept this intuition, which I continue to probe in this article. In particular, I ask: What justifies taking an asymmetric attitude toward markets in our sexual capacities? What, if anything, is problematic about a woman selling her sexual as opposed to her secretarial labor? And, if the apparent asymmetry can be explained and justified, what implications follow for public policy?

* I am grateful to the support of a Rockefeller Fellowship at Princeton University's Center for Human Values. Earlier versions of this article were presented at Swarthmore College, Princeton University, and Oxford University. I am grateful to the audiences at these institutions and in particular to Elizabeth Anderson, Michael Blake, C. A. J. Coady, Amy Gutmann, George Kateb, Andrew Koppelman, Arthur Kuflik, Peter de Marneffe, Thomas Pogge, Adam Swift, Stuart White, and Elisabeth Wood. I also thank two anonymous reviewers at *Ethics*, as well as the editors of the journal.

1. Debra Satz, "Markets in Women's Reproductive Labor," *Philosophy and Public Affairs* 21 (1992): 107–31.

Ethics 106 (October 1995): 63–85

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In this article, I sketch and criticize two popular approaches to these questions. The first, which I call the economic approach, attributes the wrongness of prostitution to its consequences for efficiency or welfare. The important feature of this approach is its treatment of sex as a morally indifferent matter: sexual labor is not to be treated as a commodity if and only if such treatment fails to be efficient or welfare maximizing. The second, the "essentialist" approach, by contrast, stresses that sales of sexual labor are wrong because they are inherently alienating or damaging to human happiness. In contrast to these two ways of thinking about the immorality of prostitution, I will argue that the most plausible support for the asymmetry thesis stems from the role of commercialized sex and reproduction in sustaining a social world in which women form a subordinated group. Prostitution is wrong insofar as the sale of women's sexual labor reinforces broad patterns of sex discrimination. My argument thus stresses neither efficiency nor sexuality's intrinsic value but, rather, equality. In particular, I argue that contemporary prostitution contributes to, and also instantiates, the perception of women as socially inferior to men.

On the basis of my analysis of prostitution's wrongness, there is no simple conclusion as to what its legal status ought to be. Both criminalization and decriminalization may have the effect of exacerbating the inequalities in virtue of which I claim that prostitution is wrong. Nonetheless, my argument does have implications for the form of prostitution's regulation, if legal, and its prohibition and penalties, if illegal. Overall, my argument tends to support decriminalization.

The argument I will put forward here is qualified and tentative in its practical conclusions, but its theoretical point is not. I will argue that the most plausible account of prostitution's wrongness turns on its relationship to the pervasive social inequality between men and women. If, in fact, no causal relationship obtains between prostitution and gender inequality, then I do not think that prostitution is morally troubling.² This is a controversial claim. In my evaluation of prostitution, consideration of the actual social conditions which many, if not most, women face plays a crucial role. It will follow from my analysis that male prostitution raises distinct issues and is not connected to injustice in the same way as female prostitution.

On my view, prostitution is not wrong irrespective of its cultural and economic context. Moreover, prostitution is a complex phenomenon. I begin, accordingly, with the question, Who is a prostitute?

2. What would remain troubling would be the miserable and unjust background circumstances in which much prostitution occurs. That is, if there were gender equality between the sexes but a substantial group of very poor men and women were selling

WHO IS A PROSTITUTE?

While much has been written on the history of prostitution, and some empirical studies of prostitutes themselves have been undertaken, the few philosophers writing on this subject have tended to treat prostitution as if the term referred to something as obvious as “table.”³ But it does not. Not only is it hard to draw a sharp line between prostitution and practices which look like prostitution, but as historians of the subject have emphasized, prostitution today is also a very different phenomenon from earlier forms of commercial sex.⁴ In particular, the idea of prostitution as a specialized occupation of an outcast and stigmatized group is of relatively recent origin.⁵

While all contemporary prostitutes are stigmatized as outsiders, prostitution itself has an internal hierarchy based on class, race, and gender. The majority of prostitutes—and all those who walk the streets—are poor. The majority of streetwalkers in the United States are poor black women. These women are a world apart from prostitution’s upper tier. Consider three cases: a streetwalker in Boston, a call girl on Park Avenue, and a male prostitute in San Francisco’s tenderloin district. In what way do these three lives resemble one another? Consider the three cases:

1. A fourteen-year-old girl prostitutes herself to support her boyfriend’s heroin addiction. Later, she works the streets to support her own habit. She begins, like most teenage streetwalkers, to rely on a pimp for protection. She is uneducated and is frequently subjected to violence in her relationships and with her customers. She also receives no social security, no sick leave or maternity leave, and—most important—no control as to whether or not she has sex with a man. The latter is decided by her pimp.

2. Now imagine the life of a Park Avenue call girl. Many call girls drift into prostitution after “run of the mill promiscuity,” led neither by material want nor lack of alternatives.⁶ Some are young college

sex, this would indeed be troubling. We should be suspicious of any labor contract entered into under circumstances of desperation.

3. Laurie Shrage, “Should Feminists Oppose Prostitution?” *Ethics* 99 (1989): 347–61, is an important exception. See also her new book, *Moral Dilemmas of Feminism: Prostitution, Adultery and Abortion* (New York: Routledge, 1994).

4. The fact that monetary exchange plays a role in maintaining many intimate relationships is a point underscored by George Bernard Shaw in *Mrs. Warren’s Profession* (New York: Garland, 1981).

5. Compare Judith Walkowitz, *Prostitution and Victorian Society* (Cambridge: Cambridge University Press, 1980); Ruth Rosen, *Prostitution in America: 1900–1918* (Baltimore: Johns Hopkins University Press, 1982); B. Hobson, *Uneasy Virtue: The Politics of Prostitution and the American Reform Tradition* (Chicago: University of Chicago Press, 1990).

6. John Decker, *Prostitution: Regulation and Control* (Littleton, Colo.: Rothman, 1979), p. 191.

graduates, who upon graduation earn money by prostitution while searching for other jobs. Call girls can earn between \$30,000 and \$100,000 annually. These women have control over the entire amount they earn as well as an unusual degree of independence, far greater than in most other forms of work. They can also decide who they wish to have sex with and when they wish to do so.⁷ There is little resemblance between their lives and that of the Boston streetwalker.

3. Finally, consider the increasing number of male prostitutes. Most male prostitutes (but not all) sell sex to other men.⁸ Often the men who buy such sex are themselves married. Unfortunately, there is little information on male prostitutes; it has not been well studied as either a historical or a contemporary phenomenon.⁹ What we do know suggests that like their female counterparts, male prostitutes cover the economic spectrum. Two important differences between male and female prostitutes are that men are more likely to work only part time and that they are not generally subject to the violence of male pimps; they tend to work on their own.

Are these three cases distinct? Many critics of prostitution have assumed that all prostitutes were women who entered the practice under circumstances which included abuse and economic desperation. But that is a false assumption: the critics have mistaken a part of the practice for the whole.¹⁰ For example, although women who walk the streets are the most visible, they constitute only about 20 percent of the prostitute population in the United States.¹¹

7. Compare Harold Greenwald, *The Elegant Prostitute: A Social and Psychoanalytic Study* (New York: Walker, 1970), p. 10.

8. For discussion of male prostitutes who sell sex to women, see H. Smith and B. Van der Horst, "For Women Only—How It Feels to Be a Male Hooker," *Village Voice* (March 7, 1977). Dictionary and common usage tends to identify prostitutes with women. Men who sell sex to women are generally referred to as "gigolos," not "prostitutes." The former term encompasses the sale of companionship as well as sex.

9. Male prostitutes merit only a dozen pages in John Decker's monumental study of prostitution. See also D. Drew and J. Drake, *Boys for Sale: A Sociological Study of Boy Prostitution* (Deer Park, N.Y.: Brown Book Co., 1969); D. Deisher, "Young Male Prostitutes," *Journal of American Medical Association* 212 (1970): 1661–66; Gita Sereny, *The Invisible Children: Child Prostitution in America, West Germany and Great Britain* (London: Deutsch, 1984). I am grateful to Vincent DiGirolamo for bringing these works to my attention.

10. Compare Kathleen Barry, *Female Sexual Slavery* (New York: Avon, 1979). If we consider prostitution as an international phenomenon, then a majority of prostitutes are desperately poor and abused women. Nevertheless, there is a significant minority who are not. Furthermore, if prostitution were legalized, it is possible that the minimum condition of prostitutes in at least some countries would be raised.

11. Priscilla Alexander, "Prostitution: A Difficult Issue for Feminists," in *Sex Work: Writings by Women in the Sex Industry*, ed. P. Alexander and F. Delacoste (Pittsburgh: Cleis, 1987).

The varying circumstances of prostitution are important because they force us to consider carefully what we think may be wrong with prostitution. For example, in the first case, the factors which seem crucial to our response of condemnation are the miserable background conditions, the prostitute's vulnerability to violence at the hands of her pimp or client, her age, and her lack of control over whether she has sex with a client. These conditions could be redressed through regulation without forbidding commercial sexual exchanges between consenting adults.¹² The second class of prostitution stands in sharp contrast. These women engage in what seems to be a voluntary activity, chosen among a range of decent alternatives. Many of these women sell their sexual capacities without coercion or regret. The third case rebuts arguments that prostitution has no other purpose than to subordinate women.

In the next section, I explore three alternative explanations of prostitution's wrongness, which I refer to respectively as economic, essentialist, and egalitarian.

WHAT IS WRONG WITH PROSTITUTION?

The Economic Approach

Economists generally frame their questions about the best way to distribute a good without reference to its intrinsic qualities. They tend to focus on the quantitative features of a good and not its qualities.¹³ Economists tend to endorse interference with a market in some good only when the results of that market are inefficient or have adverse effects on welfare.

An economic approach to prostitution does not specify a priori that certain sales are wrong: no act of commodification is ruled out in advance.¹⁴ Rather, this approach focuses on the costs and benefits that accompany such sales. An economic approach to contracts will justify inalienability rules—rules which forbid individuals from entering into certain transactions—in cases where there are costly externali-

12. Moreover, to the extent that the desperate background conditions are the problem it is not apparent that outlawing prostitution is the solution. Banning prostitution may only remove a poor woman's best option: it in no way eradicates the circumstances which led her to such a choice. See M. Radin, "Market-Inalienability," *Harvard Law Review* 100 (1987): 1849–1937, on the problem of the "double bind."

13. Sometimes the qualitative aspects of a good have quantitative effects and so for that reason need to be taken into account. It is difficult, e.g., to establish a market in used cars given the uncertainties of ascertaining their qualitative condition. Compare George Akerlof, "The Market for Lemons: Qualitative Uncertainty and the Market Mechanism," *Quarterly Journal of Economics* 84 (1970): 488–500.

14. For an attempt to understand human sexuality as a whole through the economic approach, see Richard Posner, *Sex and Reason* (Cambridge, Mass.: Harvard University Press, 1992).

ties to those transactions and in general where such transactions are inefficient. The economic approach thus supports the asymmetry thesis when the net social costs of prostitution are greater than the net social costs incurred by the sale of other human capacities.

What are the costs of prostitution? In the first place, the parties to a commercial sex transaction share possible costs of disease and guilt.¹⁵ Prostitution also has costs to third parties: a man who frequents a prostitute dissipates financial resources which might otherwise be directed to his family; in a society which values intimate marriage, infidelity costs a man's wife or companion in terms of mistrust and suffering (and therefore prostitution may sometimes lead to marital instability); and prostitutes often have diseases which can be spread to others. Perhaps the largest third-party costs to prostitution are "moralisms":¹⁶ many people find the practice morally offensive and are pained by its existence. (Note that 'moralisms' refers to people's preferences about moral issues and not to morality as such.)

The economic approach generates a contingent case for the asymmetry thesis, focusing on prostitution's "moral" costs in terms of public opinion or the welfare costs to prostitutes or the population as a whole (e.g., through the spread of diseases). Consideration of the limitations on sexual freedom which can be justified from a welfare standpoint can be illuminating and forces us to think about the actual effects of sexual regulations.¹⁷ Nevertheless, I want to register three objections to this approach to justifying the asymmetry thesis.

First, and most obvious, both markets and contractual exchanges function within a regime of property rights and legal entitlements. The economic approach ignores the background system of distribution within which prostitution occurs. Some background systems, however, are unjust. How do we know whether prostitution itself is part of a morally acceptable system of property rights and entitlements?

Second, this type of approach seems disabled from making sense of distinctions between goods in cases where these distinctions do not seem to reflect mere differences in the net sum of costs and benefits. The sale of certain goods seems to many people simply unthinkable—human life, for example. While it may be possible to justify

15. Although two-thirds of prostitutes surveyed say that they have no regrets about choice of work. Compare Decker, pp. 165–66. This figure is hard to interpret, given the high costs of thinking that one has made a bad choice of occupation and the lack of decent employment alternatives for many prostitutes.

16. See Guido Calabresi and A. Douglas Melamed, "Property Rules, Liability Rules and Inalienability: One View of the Cathedral," *Harvard Law Review* 85 (1972): 1089–1128.

17. Economic analysis fails to justify the laws we now have regarding prostitution. See below.

prohibitions on slavery by appeal to costs and benefits (and even count moralisms in the sum), the problem is that such justification makes contingent an outcome which reasonable people do not hold contingently. It also makes little sense, phenomenologically, to describe the moral repugnance people feel toward slavery as “just a cost.”¹⁸

Let me elaborate this point. There seems to be a fundamental difference between the “goods” of my person and my external goods, a difference whose nature is not completely explained by appeal to information failures and externalities. “Human capital” is not just another form of capital. For example, my relationship with my body and my capacities is more intimate than my relationship with most external things. The economic approach fails to capture this distinction.

Richard Posner—one of the foremost practitioners of the economic approach to law—illustrates the limits of the economic approach when he views a rapist as a “sex thief.”¹⁹ He thus overlooks the fact that rape is a crime of violence and assault.²⁰ He also ignores the qualitative differences between my relationship with my body and my car. But that there are such differences is obvious. The circumstances in which I sell my capacities have a much more profound effect on who I am and who I become—through effects on my desires, capacities, and values—than the circumstances in which I sell my Honda Civic. Moreover, the idea of sovereignty over body and mind is closely related to the idea of personal integrity, which is a crucial element of any reasonable scheme of liberty. The liberty to exercise sovereignty over my car has a lesser place in any reasonable scheme of liberties than the liberty to be sovereign over my body and mind.²¹

Third, some goods seem to have a special status which requires that they be shielded from the market if their social meaning or role is to be preserved. The sale of citizenship rights or friendship does not simply produce costs and benefits: it transforms the nature of the goods sold. In this sense, the market is not a neutral mechanism of exchange: there are some goods whose sale transforms or destroys their initial meaning.

These objections resonate with objections to prostitution for which its wrongness is not adequately captured by summing up contin-

18. See Radin, pp. 1884 ff.

19. Posner, *Sex and Reason*, p. 182. See also R. Posner, “An Economic Theory of the Criminal Law,” *Columbia Law Review* 85 (1985): 1193–1231. “The prohibition against rape is to the sex and marriage ‘market’ as the prohibition against theft is to explicit markets in goods and services” (p. 1199).

20. His approach in fact suggests that rape be seen as a “benefit” to the rapist, a suggestion that I think we should be loathe to follow.

21. I do not mean to claim however that such sovereignty over the body is absolute.

gent welfare costs and benefits. These objections resonate with moralist and egalitarian concerns. Below I survey two other types of arguments which can be used to support the asymmetry thesis: (1) essentialist arguments that the sale of sexual labor is intrinsically wrong because it is alienating or contrary to human flourishing and happiness; and (2) my own egalitarian argument that the sale of sex is wrong because, given the background conditions within which it occurs, it tends to reinforce gender inequality. I thus claim that contemporary prostitution is wrong because it promotes injustice, and not because it makes people less happy.

The Essentialist Approach

Economists abstract from the qualities of the goods that they consider. By contrast essentialists hold that there is something intrinsic to the sphere of sex and intimacy that accounts for the distinction we mark between it and other types of labor. Prostitution is not wrong simply because it causes harm; prostitution constitutes a harm. Essentialists hold that there is some intrinsic property of sex which makes its commodification wrong. Specific arguments differ, however, in what they take this property to be. I will consider two popular versions of essentialism: the first stresses the close connection between sex and the self; the second stresses the close connection between sex and human flourishing.²²

Some feminist critics of prostitution have argued that sexual and reproductive capacities are more crucially tied to the nature of our selves than our other capacities.²³ The sale of sex is taken to cut deeper into the self, to involve a more total alienation from the self. As Carole Pateman puts it, "When a prostitute contracts out use of her body she is thus selling *herself* in a very real sense. Women's selves are involved in prostitution in a different manner from the involvement of the self in other occupations."²⁴ The realization of women's selfhood requires, on this view, that some of the capacities embodied in their persons, including their sexuality, remain "market-inalienable."²⁵

22. This section draws from and enlarges upon Satz.

23. Prostitution is, however, an issue which continues to divide feminists as well as prostitutes and former prostitutes. On the one side, some feminists see prostitution as dehumanizing and alienating and linked to male domination. This is the view taken by the prostitute organization Women Hurt in Systems of Prostitution Engaged in Revolt (WHISPER). On the other side, some feminists see sex markets as affirming a woman's right to autonomy, sexual pleasure, and economic welfare. This is the view taken by the prostitute organization COYOTE.

24. Carole Pateman, *The Sexual Contract* (Stanford, Calif.: Stanford University Press, 1988), p. 207; emphasis added.

25. The phrase is Radin's.

Consider an analogous strategy for accounting for the value of bodily integrity in terms of its relationship to our personhood. It seems right to say that a world in which the boundaries of our bodies were not (more or less) secure would be a world in which our sense of self would be fundamentally shaken. Damage to, and violation of, our bodies affects us in a “deeper” way, a more significant way, than damage to our external property. Robbing my body of a kidney is a violation different in kind than robbing my house of a stereo, however expensive. Distributing kidneys from healthy people to sick people through a lottery is a far different act than using a lottery to distribute door prizes.²⁶

But this analogy can only be the first step in an argument in favor of treating either our organs or sexual capacities as market-inalienable. Most liberals think that individual sovereignty over mind and body is crucial for the exercise of fundamental liberties. Thus, in the absence of clear harms, most liberals would reject legal bans on voluntary sales of body parts or sexual capacities. Indeed, the usual justification of such bans is harm to self: such sales are presumed to be “desperate exchanges” that the individual herself would reasonably want to foreclose. American law blocks voluntary sales of individual organs and body parts but not sales of blood on the assumption that only the former sales are likely to be so harmful to the individual that given any reasonable alternative, she herself would refrain from such sales.

Whatever the plausibility of such a claim with respect to body parts, it is considerably weaker when applied to sex (or blood). There is no strong evidence that prostitution is, at least in the United States, a desperate exchange. In part this reflects the fact that the relationship people have with their sexual capacities is far more diverse than the relationship they have with their body parts. For some people, sexuality is a realm of ecstatic communion with another, for others it is little more than a sport or distraction. Some people will find consenting to be sexually used by another person enjoyable or adequately compensated by a wage. Even for the same person, sex can be the source of a range of experiences.

Of course, the point cannot simply be that, as an empirical matter, people have differing conceptions of sexuality. The critics of prostitution grant that. The point is whether, and within what range, this diversity is desirable.²⁷

26. J. Harris, “The Survival Lottery,” *Philosophy* 50 (1975): 81–87.

27. As an example of the ways in which the diversity of sexual experience has been culturally productive, see Lynn Hunt, ed., *The Invention of Pornography* (New York: Zone, 1993). Many of the essays in this volume illustrate the ways in which pornography has historically contributed to broader social criticism.

Let us assume, then, in the absence of compelling counterargument, that an individual can exercise sovereignty through the sale of her sexual capacities. Margaret Radin raises a distinct worry about the effects of widespread prostitution on human flourishing. Radin's argument stresses that widespread sex markets would promote inferior forms of personhood. She says that we can see this is the case if we "reflect on what we know now about human life and choose the best from among the conceptions available to us."²⁸ If prostitution were to become common, Radin argues, it would have adverse effects on a form of personhood which itself is intrinsically valuable. For example, if the signs of affection and intimacy were frequently detached from their usual meaning, such signs might well become more ambiguous and easy to manipulate. The marks of an intimate relationship (physical intimacy, terms of endearment, etc.) would no longer signal the existence of intimacy. In that case, by obscuring the nature of sexual relationships, prostitution might undermine our ability to apply the criteria for coercion and informational failure.²⁹ Individuals might more easily enter into damaging relationships and lead less fulfilling lives as a result.

Radin is committed to a form of perfectionism which rules out the social practice of prostitution as incompatible with the highest forms of human development and flourishing. But why should perfectionists condemn prostitution while tolerating practices such as monotonous assembly line work where human beings are often mere appendages to machines? Monotonous wage labor, moreover, is far more widespread than prostitution.³⁰ Can a consistent perfectionist give reasons for differentiating sexual markets from other labor markets?

It is difficult to draw a line between our various capacities such that only sexual and reproductive capacities are essential to the flourishing self. In a money economy like our own, we each sell the use of many human capacities. Writers sell the use of their ability to write,

28. Radin, p. 1884.

29. An objection along these lines is raised by Margaret Baldwin ("Split at the Root: Feminist Discourses of Law Reform," *Yale Journal of Law and Feminism* 5 [1992]: 47–120). Baldwin worries that prostitution undermines our ability to understand a woman's capacity to consent to sex. Baldwin asks, Will a prostitute's consent to sex be seen as consent to a twenty dollar payment? Will courts determine sentences in rape trials involving prostitutes as the equivalent of parking fine violations (e.g., as another twenty dollar payment)? Aren't prostitutes liable to have their fundamental interests in bodily integrity discounted? I think Baldwin's worry is a real one, especially in the context of the current stigmatization of prostitutes. It could be resolved, in part, by withholding information about a woman's profession from rape trials.

30. Radin is herself fairly consistent in her hostility to many forms of wage labor. She has a complicated view about decommodification in nonideal circumstances which I cannot discuss here.

advertisers sell the use of their ability to write jingles, and musicians sell the use of their ability to write and perform symphonies. Aren't these capacities also closely tied to our personhood and its higher capacities?³¹ Yet the mere alienation of the use of these capacities, even when widespread, does not seem to threaten personal flourishing.

An alternative version of the essentialist thesis views the commodification of sex as an assault on personal dignity.³² Prostitution degrades the prostitute. Elizabeth Anderson, for example, discusses the effect of commodification on the nature of sex as a shared good, based on the recognition of mutual attraction. In commercial sex, each party now values the other only instrumentally, not intrinsically. And, while both parties are thus prevented from enjoying a shared good, it is worse for the prostitute. The customer merely surrenders a certain amount of cash; the prostitute cedes her body: the prostitute is thus degraded to the status of a thing. Call this the degradation objection.

I share the intuition that the failure to treat others as persons is morally significant; it is wrong to treat people as mere things. But I am skeptical as to whether this intuition supports the conclusion that prostitution is wrong. Consider the contrast between slavery and prostitution. Slavery was, in Orlando Patterson's memorable phrase, a form of "social death": it denied to enslaved individuals the ability to press claims, to be—in their own right—sources of value and interest. But the mere sale of the use of someone's capacities does not necessarily involve a failure of this kind, on the part of either the buyer or the seller.³³ Many forms of labor, perhaps most, cede some control of a person's body to others. Such control can range from requirements to be in a certain place at a certain time (e.g., reporting to the office), to requirements that a person (e.g., a professional athlete) eat certain foods and get certain amounts of sleep, or maintain good humor in the face of the offensive behavior of others (e.g., airline stewardesses). Some control of our capacities by others does not seem to be ipso facto destructive of our dignity.³⁴ Whether the purchase of a form of

31. Also notice that many forms of labor we make inalienable—e.g., bans on mercenaries—cannot be justified by that labor's relationship to our personhood.

32. Elizabeth Anderson, *Value in Ethics and Economics* (Cambridge, Mass.: Harvard University Press, 1993), p. 45.

33. Actually, the prostitute's humanity is a part of the sex transaction itself. Whereas Posner's economic approach places sex with another person on the same scale as sex with a sheep, for many people the latter is not a form of sex at all (*Sex and Reason*). Moreover, in its worst forms, the prostitute's humanity (and gender) may be crucial to the john's experience of himself as superior to her. See Catherine MacKinnon, *Toward a Feminist Theory of the State* (Cambridge, Mass.: Harvard University Press, 1989).

34. Although this statement might have to be qualified in the light of empirical research. Arlie Hochschild, e.g., has found that the sale of "emotional labor" by airline stewardesses and insurance salesmen distorts their responses to pain and frustration (*The Managed Heart: The Commercialization of Human Feeling* [New York: Basic, 1983]).

human labor power will have this negative consequence will depend on background social macrolevel and microlevel institutions. Minimum wages, worker participation and control, health and safety regulations, maternity and paternity leave, restrictions on specific performance, and the right to “exit” one’s job are all features which attenuate the objectionable aspects of treating people’s labor as a mere economic input. The advocates of prostitution’s wrongness in virtue of its connection to self-hood, flourishing and degradation have not shown that a system of regulated prostitution would be unable to respond to their worries. In particular, they have not established that there is something wrong with prostitution irrespective of its cultural and historical context.

There is, however, another way of interpreting the degradation objection which draws a connection between the current practice of prostitution and the lesser social status of women.³⁵ This connection is not a matter of the logic of prostitution per se but of the fact that contemporary prostitution degrades women by treating them as the sexual servants of men. In current prostitution, prostitutes are overwhelmingly women and their clients are almost exclusively men. Prostitution, in conceiving of a class of women as needed to satisfy male sexual desire, represents women as sexual servants to men. The degradation objection, so understood, can be seen as a way of expressing an egalitarian concern since there is no reciprocal ideology which represents men as servicing women’s sexual needs. It is to this egalitarian understanding of prostitution’s wrongness that I turn in the next section.

The Egalitarian Approach

While the essentialists rightly call our attention to the different relation we have with our capacities and external things, they overstate the nature of the difference between our sexual capacities and our other capacities with respect to our personhood, flourishing, and dignity.³⁶ They are also insufficiently attentive to the background conditions in which commercial sex exchanges take place. A third account of prostitution’s wrongness stresses its causal relationship to gender inequality. I have defended this line of argument with respect to markets in women’s reproductive labor.³⁷ Can this argument be extended to cover prostitution as well?

35. I owe this point to Elizabeth Anderson, who stressed the need to distinguish between different versions of the degradation objection and suggested some lines of interpretation (conversation with author, Oxford University, July 1994).

36. More generally, they raise questions about the desirability of a world in which people use and exploit each other as they use and exploit other natural objects, insofar as this is compatible with Pareto improvements.

37. See Satz.

The answer hinges in part on how we conceive of gender inequality. On my view, there are two important dimensions of gender inequality, often conflated. The first dimension concerns inequalities in the distribution of income, wealth, and opportunity. In most nations, including the United States, women form an economically and socially disadvantaged group. The statistics regarding these disadvantages, even in the United States, are grim.

1. *Income inequality*.—In 1992, given equal hours of work, women in the United States earned on average sixty-six cents for every dollar earned by a man.³⁸ Seventy-five percent of full-time working women (as opposed to 37 percent of full-time working men) earn less than twenty thousand dollars.³⁹

2. *Job segregation*.—Women are less likely than men to fill socially rewarding, high-paying jobs. Despite the increasing entrance of women into previously gender-segregated occupations, 46 percent of all working women are employed in service and administrative support jobs such as secretaries, waitresses, and health aides. In the United States and Canada, the extent of job segregation in the lowest-paying occupations is increasing.⁴⁰

3. *Poverty*.—In 1989, one out of five families were headed by women. One-third of such women-headed families live below the poverty line, which was \$13,359 for a family of four in 1990.⁴¹ In the United States, fathers currently owe mothers 24 billion dollars in unpaid child support.⁴²

4. *Unequal division of labor in the family*.—Within the family, women spend disproportionate amounts of time on housework and rearing children. According to one recent study, wives employed full time outside the home do 70 percent of the housework; full-time housewives do 83 percent.⁴³ The unequal family division of labor is

38. U.S. Department of Labor, Women's Bureau (Washington, D.C.: Government Printing Office, 1992).

39. D. Taylor, "Women: An Analysis," in *Women: A World Report* (London: Methuen, 1985). Taylor reports that while on a world scale women "perform nearly two-thirds of all working hours [they] receive only one tenth of the world income and own less than one percent of world resources."

40. J. David-McNeil, "The Changing Economic Status of the Female Labor Force in Canada," in *Towards Equity: Proceedings of a Colloquium on the Economic Status of Women in the Labor Market*, ed. Economic Council of Canada (Ottawa: Canadian Government Publication Centre, 1985).

41. S. Rix, ed., *The American Woman, 1990-91* (New York: Norton, 1990), cited in Woman's Action Coalition, ed., *WAC Stats: The Facts about Women* (New York: New Press, 1993), p. 41.

42. Report of the Federal Office of Child Support Enforcement, 1990.

43. Rix, ed. Note also that the time women spend doing housework has not declined since the 1920s despite the invention of labor saving technologies (e.g., laundry machines and dishwashers).

itself caused by and causes labor market inequality: given the lower wages of working women, it is more costly for men to participate in household labor.

Inequalities in income and opportunity form an important part of the backdrop against which prostitution must be viewed. While there are many possible routes into prostitution, the largest number of women who participate in it are poor, young, and uneducated. Labor market inequalities will be part of any plausible explanation of why many women “choose” to enter into prostitution.

The second dimension of gender inequality does not concern income and opportunity but status.⁴⁴ In many contemporary contexts, women are viewed and treated as inferior to men. This inferior treatment proceeds via several distinct mechanisms.

1. *Negative stereotyping*.—Stereotypes persist as to the types of jobs and responsibilities a woman can assume. Extensive studies have shown that people typically believe that men are more dominant, assertive, and instrumentally rational than women. Gender shapes beliefs about a person’s capacities: women are thought to be less intelligent than their male equals.⁴⁵

2. *Unequal power*.—Men are able to asymmetrically sanction women. The paradigm case of this is violence. Women are subjected to greater amounts of violence by men than is the reverse: every fifteen seconds a woman is battered in the United States. Battering causes more injury (excluding deaths) to women than car accidents, rape, and muggings combined.⁴⁶ Four million women a year are physically assaulted by their male partners.⁴⁷

3. *Marginalization*.—People who are marginalized are excluded from, or absent from, core productive social roles in society—roles which convey self-respect and meaningful contribution.⁴⁸ At the extremes, marginalized women lack the means for their basic survival:

44. My views about this aspect of gender inequality have been greatly clarified in discussions and correspondence with Elizabeth Anderson and Elisabeth Wood during 1994.

45. See Paul Rosenkrantz, Susan Vogel, Helen Bees, Inge Broverman, and David Broverman, “Sex-Role Stereotypes and Self-Concepts in College Students,” *Journal of Consulting and Clinical Psychology* 32 (1968): 286–95.

46. L. Heise, “Gender Violence as a Health Issue” (Violence, Health and Development Project, Center for Women’s Global Leadership, Rutgers University, New Brunswick, N.J., 1992).

47. L. Heise, “Violence against Women: The Missing Agenda,” in *Women’s Health: A Global Perspective* (New York: Westview, 1992), cited in Woman’s Action Coalition, ed., p. 55. More than one-third of female homicide victims are killed by their husbands or boyfriends.

48. I am indebted here to the discussion of Iris Young in *Justice and the Politics of Difference* (Princeton, N.J.: Princeton University Press, 1990).

they are dependent on state welfare or male partners to secure the basic necessities of life. Less severely marginalized women lack access to central and important social roles. Their activities are confined to peripheral spheres of social organization. For example, the total number of women who have served in Congress since its inception through 1992 is 134. The total number of men is 11,096. In one-third of governments worldwide, there are no women in the decision-making bodies of the country.⁴⁹

4. *Stigma*.—A woman's gender is associated, in some contexts, with stigma, a badge of dishonor. Consider rape. In crimes of rape, the complainant's past behavior and character are central in determining whether a crime has actually occurred. This is not true of other crimes: "mail fraud" (pun intended) is not dismissed because of the bad judgment or naïveté of the victims. Society views rape differently, I suggest, because many people think that women really want to be forced into sex. Women's lower status thus influences the way that rape is seen.

Both forms of inequality—income inequality and status inequality—potentially bear on the question of prostitution's wrongness. Women's decisions to enter into prostitution must be viewed against the background of their unequal life chances and their unequal opportunities for income and rewarding work. The extent to which women face a highly constrained range of options will surely be relevant to whether, and to what degree, we view their choices as autonomous. Some women may actually loathe or judge as inferior the lives of prostitution they "choose." Economic inequality may thus shape prostitution.

We can also ask, Does prostitution itself shape employment inequalities between men and women? In general, whenever there are significant inequalities between groups, those on the disadvantageous side will be disproportionately allocated to subordinate positions. What they do, the positions they occupy, will serve to reinforce negative and disempowering images of themselves. In this sense, prostitution can have an effect on labor-market inequality, associating women with certain stereotypes. For example, images reinforced by prostitution may make it less likely for women to be hired in certain jobs. Admittedly the effect of prostitution on labor-market inequality, if it exists at all, will be small. Other roles which women disproportionately occupy—secretaries, housecleaners, babysitters, waitresses, and saleswomen—will be far more significant in reinforcing (as well as constituting) a gender-segregated division of labor.

I do not think it is plausible to attribute to prostitution a direct causal role in income inequality between men and women. But I be-

49. Ruth Leger Sivard, *Women . . . a World Survey* (Washington, D.C.: World Priorities, 1985).

lieve that it is plausible to maintain that prostitution makes an important and direct contribution to women's inferior social status. Prostitution shapes and is itself shaped by custom and culture, by cultural meanings about the importance of sex, about the nature of women's sexuality and male desire.⁵⁰

If prostitution is wrong it is because of its effects on how men perceive women and on how women perceive themselves. In our society, prostitution represents women as the sexual servants of men. It supports and embodies the widely held belief that men have strong sex drives which must be satisfied—largely through gaining access to some woman's body. This belief underlies the mistaken idea that prostitution is the "oldest" profession, since it is seen as a necessary consequence of human (i.e., male) nature. It also underlies the traditional conception of marriage, in which a man owned not only his wife's property but her body as well. It should not fail to startle us that until recently, most states did not recognize the possibility of "real rape" in marriage.⁵¹ (Marital rape remains legal in two states: North Carolina and Oklahoma.)

Why is the idea that women must service men's sexual needs an image of inequality and not mere difference? My argument suggests that there are two primary, contextual reasons:

First, in our culture, there is no reciprocal social practice which represents men as serving women's sexual needs. Men are gigolos and paid escorts—but their sexuality is not seen as an independent capacity whose use women can buy. It is not part of the identity of a class of men that they will service women's sexual desires. Indeed, male prostitutes overwhelmingly service other men and not women. Men are not depicted as fully capable of commercially alienating their sexuality to women; but prostitution depicts women as sexual servants of men.

Second, the idea that prostitution embodies an idea of women as inferior is strongly suggested by the high incidence of rape and violence against prostitutes, as well as the fact that few men seek out or even contemplate prostitutes as potential marriage partners. While all women in our society are potential targets of rape and violence, the mortality rates for women engaged in streetwalking prostitution are roughly forty times higher than that of nonprostitute women.⁵²

50. Shrage ("Should Feminists Oppose Prostitution?") argues that prostitution perpetuates the following beliefs which oppress women: (1) the universal possession of a potent sex drive; (2) the "natural" dominance of men; (3) the pollution of women by sexual contact; and (4) the reification of sexual practice.

51. Susan Estrich, *Real Rape* (Cambridge, Mass.: Harvard University Press, 1987).

52. Baldwin, p. 75. Compare the Canadian Report on Prostitution and Pornography; also M. Silbert, "Sexual Assault on Prostitutes," research report to the *National*

My suggestion is that prostitution depicts an image of gender inequality, by constituting one class of women as inferior. Prostitution is a "theater" of inequality—it displays for us a practice in which women are subordinated to men. This is especially the case where women are forcibly controlled by their (male) pimps. It follows from my conception of prostitution that it need not have such a negative effect when the prostitute is male. More research needs to be done on popular images and conceptions of gay male prostitutes, as well as on the extremely small number of male prostitutes who have women clients.

The negative image of women who participate in prostitution, the image of their inferior status, is objectionable in itself. It constitutes an important form of inequality—unequal status—based on attitudes of superiority and disrespect. Unfortunately, this form of inequality has largely been ignored by political philosophers and economists who have focused instead on inequalities in income and opportunity. Moreover, this form of inequality is not confined to prostitutes. I believe that the negative image of women prostitutes has third party effects: it shapes and influences the way women as a whole are seen. This hypothesis is, of course, an empirical one. It has not been tested largely because of the lack of studies of men who go to prostitutes. Most extant studies of prostitution examine the behavior and motivations of the women who enter into the practice, a fact which itself raises the suspicion that prostitution is viewed as "a problem about the women who are prostitutes . . . [rather than] a problem about the men who demand to buy them."⁵³ In these studies, male gender identity is taken as a given.

To investigate prostitution's negative image effects on female prostitutes and on women generally we need research on the following questions: (1) What are the attitudes of men who visit women prostitutes toward prostitutes? How do their attitudes compare with the attitudes of men who do not visit prostitutes toward women prostitutes? (2) What are the attitudes of men who visit women prostitutes toward women generally? What are the attitudes of men who do not visit women prostitutes toward women generally? (3) What are the attitudes of women toward women prostitutes? (4) What are the attitudes of the men and women involved in prostitution toward themselves? (5) Given the large proportion of African-American women who participate in prostitution, in what ways does prostitution contrib-

Center for the Prevention and Control of Rape, November 1980, for a study of street prostitutes in which 70 percent of those surveyed reported that they had been raped while walking the streets.

53. Carole Pateman, "Defending Prostitution: Charges against Ericsson," *Ethics* 93 (1983): 561–65, p. 563.

ute to male attitudes toward these women? (6) Does prostitution contribute to or diminish the likelihood of crimes of sexual violence? (7) What can we learn about these questions through cross-national studies? How do attitudes in the United States about women prostitutes compare with those in countries with more egalitarian wage policies or less status inequality between men and women?

The answers to these questions will reflect social facts about our culture. Whatever plausibility there is to the hypothesis that prostitution causally contributes to gender status inequality, it gains this plausibility from its surrounding cultural context.

I can imagine hypothetical circumstances in which prostitution would not have a negative image effect, where it could mark a reclaiming of women's sexuality. Margo St. James and other members of Call Off Your Old Tired Ethics (COYOTE) have argued that prostitutes can function as sex therapists, fulfilling a legitimate social need as well as providing a source of experiment and alternative conceptions of sexuality and gender.⁵⁴ I agree that in a different culture, with different assumptions about men's and women's gender identities, prostitution might not have unequalizing effects. But I think that St. James and others have minimized the cultural stereotypes that surround contemporary prostitution and their power over the shape of the practice. Prostitution, as we know it, is not separable from the larger surrounding culture which marginalizes, stereotypes, and stigmatizes women. Rather than providing an alternative conception of sexuality, I think that we need to look carefully at what men and women actually learn in prostitution. I do not believe that ethnographic studies of prostitution would support COYOTE's claim that prostitution contributes to images of women's dignity and equal standing.

If, through its negative image of women as sexual servants of men, prostitution reinforces women's inferior status in society, then it is wrong. Even though men can be and are prostitutes, I think that it is unlikely that we will find such negative image effects on men as a group. Individual men may be degraded in individual acts of prostitution: men as a group are not.

Granting all of the above, one objection to the equality approach to prostitution's wrongness remains. Is prostitution's negative image effect greater than that produced by other professions in which women largely service men, for example, secretarial labor? What is special about prostitution?

The negative image effect undoubtedly operates outside the domain of prostitution. But there are two significant differences between prostitution and other gender-segregated professions.

54. See also, S. Schwartzbach, "Contractarians and Feminists Debate Prostitution," *New York University Review of Law and Social Change* 18 (1990-91): 103-30.

First, most people believe that prostitution, unlike secretarial work, is especially objectionable. Holding such moral views of prostitution constant, if prostitution continues to be primarily a female occupation, then the existence of prostitution will disproportionately fuel negative images of women.⁵⁵ Second, and relatedly, the particular image of women in prostitution is more of an image of inferiority than that of a secretary. The image embodies a greater amount of objectification, of representing the prostitute as an object without a will of her own. Prostitutes are far more likely to be victims of violence than are secretaries: as I mentioned, the mortality rate of women in prostitution is forty times that of other women. Prostitutes are also far more likely to be raped: a prostitute's "no" does not, to the male she services, mean no.

My claim is that, unless such arguments about prostitution's causal role in sustaining a form of gender inequality can be supported, I am not persuaded that something is morally wrong with markets in sex. In particular, I do not find arguments about the necessary relationship between commercial sex and diminished flourishing and degradation convincing. If prostitution is wrong, it is not because of its effects on happiness or personhood (effects which are shared with other forms of wage-labor); rather, it is because the sale of women's sexual labor may have adverse consequences for achieving a significant form of equality between men and women. My argument for the asymmetry thesis, if correct, connects prostitution to injustice. I now turn to the question of whether, even if we assume that prostitution is wrong under current conditions, it should remain illegal.

SHOULD PROSTITUTION BE LEGALIZED?

It is important to distinguish between prostitution's wrongness and the legal response that we are entitled to make to that wrongness. Even if prostitution is wrong, we may not be justified in prohibiting it if that prohibition makes the facts in virtue of which it is wrong worse, or if its costs are too great for other important values, such as autonomy and privacy. For example, even if someone accepts that the contemporary division of labor in the family is wrong, they may still reasonably object to government surveillance of the family's division of household chores. To determine whether such surveillance is justified, we need know more about the fundamental interests at stake, the costs of surveillance and the availability of alternative mechanisms for promoting equality in families. While I think that there is no acceptable view which would advocate governmental surveillance of family chores, there remain a range of plausible views about the appro-

55. I owe this point to Arthur Kuflik.

priate scope of state intervention and, indeed, the appropriate scope of equality considerations.⁵⁶

It is also important to keep in mind that in the case of prostitution, as with pornography and hate speech, narrowing the discussion of solutions to the single question of whether to ban or not to ban shows a poverty of imagination. There are many ways of challenging existing cultural values about the appropriate division of labor in the family and the nature of women's sexual and reproductive capacities—for example, education, consciousness-raising groups, changes in employee leave policies, comparable worth programs, etc. The law is not the only way to provide women with incentives to refrain from participating in prostitution. Nonetheless, we do need to decide what the best legal policy toward prostitution should be.

I begin with an assessment of the policy which we now have. The United States is one of the few developed Western countries which criminalizes prostitution.⁵⁷ Denmark, the Netherlands, West Germany, Sweden, Switzerland, and Austria all have legalized prostitution, although in some of these countries it is restricted by local ordinances.⁵⁸ Where prostitution is permitted, it is closely regulated.

Suppose that we accept that gender equality is a legitimate goal of social policy. The question is whether the current legal prohibition on prostitution in the United States promotes gender equality. The

56. For example, does the fact that racist joke telling reinforces negative stereotypes and perpetuates racial prejudice and inequality justify legal bans on such joke telling? What are the limits on what we can justifiably use the state to do in the name of equality? This is a difficult question. I only note here that arguments which justify state banning of prostitution can be consistent with the endorsement of stringent protections for speech. This is because speech and expression are arguably connected with basic fundamental human interests—with forming and articulating conceptions of value, with gathering information, with testifying on matters of conscience—in a way that prostitution (and some speech, e.g., commercial speech) is not. Even if we assume, as I think we should, that people have fundamental interests in having control over certain aspects of their bodies and lives, it does not follow that they have a fundamental interest in being free to sell themselves, their body parts, or any of their particular capacities.

57. Prostitution is legalized only in several jurisdictions in Nevada.

58. These countries have more pay equity between men and women than does the United States. This might be taken to undermine an argument about prostitution's role in contributing to income inequality. Moreover, women's status is lower in some societies which repress prostitution (such as those of the Islamic nations) than in those which do not (such as those of the Scandinavian nations). But given the variety of cultural, economic, and political factors and mechanisms which need to be taken into account, we need to be very careful in drawing hasty conclusions. Legalizing prostitution might have negative effects on gender equality in the United States, even if legal prostitution does not correlate with gender inequality in other countries. There are many differences between the United States and European societies which make it implausible to think that one factor can alone be explanatory with respect to gender inequality.

answer I think is that it clearly does not. The current legal policies in the United States arguably exacerbate the factors in virtue of which prostitution is wrong.

The current prohibition on prostitution renders the women who engage in the practice vulnerable. First, the participants in the practice seek assistance from pimps in lieu of the contractual and legal remedies which are denied them. Male pimps may protect women prostitutes from their customers and from the police, but the system of pimp-run prostitution has enormous negative effects on the women at the lowest rungs of prostitution. Second, prohibition of prostitution raises the dilemma of the "double bind": if we prevent prostitution without greater redistribution of income, wealth, and opportunities, we deprive poor women of one way—in some circumstances the only way—of improving their condition.⁵⁹ Analogously, we do not solve the problem of homelessness by criminalizing it.

Furthermore, women are disproportionately punished for engaging in commercial sex acts. Many state laws make it a worse crime to sell sex than to buy it. Consequently, pimps and clients ("johns") are rarely prosecuted. In some jurisdictions, patronizing a prostitute is not illegal. The record of arrests and convictions is also highly asymmetric. Ninety percent of all convicted prostitutes are women. Studies have shown that male prostitutes are arrested with less frequency than female prostitutes and receive shorter sentences. One study of the judicial processing of 2,859 male and female prostitutes found that judges were more likely to find defendants guilty if they were female.⁶⁰

Nor does the current legal prohibition on prostitution unambiguously benefit women as a class because the cultural meaning of current governmental prohibition of prostitution is unclear. While an unrestricted regime of prostitution—a pricing system in women's sexual attributes—could have negative external consequences on women's self-perceptions and perceptions by men, state prohibition can also reflect a view of women which contributes to their inequality. For example, some people support state regulation because they believe that women's sexuality is for purposes of reproduction, a claim tied to traditional ideas about women's proper role.

There is an additional reason why banning prostitution seems an inadequate response to the problem of gender inequality and which suggests a lack of parallel with the case of commercial surrogacy.

59. Radin, pp. 1915 ff.

60. J. Lindquist et al., "Judicial Processing of Males and Females Charged with Prostitution," *Journal of Criminal Justice* 17 (1989): 277–91. Several state laws banning prostitution have been challenged on equal protection grounds. These statistics support the idea that prostitution's negative image effect has disproportionate bearing on male and female prostitutes.

Banning prostitution would not by itself—does not—eliminate it. While there is reason to think that making commercial surrogacy arrangements illegal or unenforceable would diminish their occurrence, no such evidence exists about prostitution. No city has eliminated prostitution merely through criminalization. Instead, criminalized prostitution thrives as a black market activity in which pimps substitute for law as the mechanism for enforcing contracts. It thereby makes the lives of prostitutes worse than they might otherwise be and without clearly counteracting prostitution's largely negative image of women.

If we decide to ban prostitution, these problems must be addressed. If we decide not to ban prostitution (either by legalizing it or decriminalizing it), then we must be careful to regulate the practice to address its negative effects. Certain restrictions on advertising and recruitment will be needed in order to address the negative image effects that an unrestricted regime of prostitution would perpetuate. But the current regime of prostitution has negative effects on the prostitutes themselves. It places their sexual capacities largely under the control of men. In order to promote women's autonomy, the law needs to ensure that certain restrictions—in effect, a Bill of Rights for Women—are in place.⁶¹

1. No woman should be forced, either by law or by private persons, to have sex against her will. (Recall that it is only quite recently that the courts have recognized the existence of marital rape.) A woman who sells sex must be able to refuse to give it; she must not be coerced by law or private persons to perform.

2. No woman should be denied access, either by law or by private persons, to contraception or to treatment for sexually transmitted diseases, particularly AIDS, or to abortion (at least in the first trimester).

3. The law should ensure that a woman has adequate information before she agrees to sexual intercourse. The risks of venereal and other sexually transmitted diseases, the risks of pregnancy, and the laws protecting a woman's right to refuse sex should all be generally available.

4. Minimum age of consent laws for sexual intercourse should be enforced. These laws should ensure that woman (and men) are protected from coercion and do not enter into sexual relationships until they are in a position to understand what they are consenting to.

5. The law should promote women's control over their own sexuality by prohibiting brokerage. If what is wrong with prostitution is its

61. In this section, I have benefited from reading Cass Sunstein, "Gender Difference, Reproduction and the Law" (University of Chicago Law School, 1992, unpublished manuscript). Sunstein believes that someone committed to gender equality will, most likely, advocate a legal ban on prostitution.

relation to gender inequality, then it is crucial that the law be brought to bear primarily on the men who profit from the use of women's sexual capacities.

Each of these principles is meant to establish and protect a woman's right to control her sexual and reproductive capacities and not to give control of these capacities to others. Each of these principles is meant to protect the conditions for women's consent to sex, whether commercial or not. Each of these principles also seeks to counter the degradation of women in prostitution by mitigating its nature as a form of female servitude. In addition, given that a woman's choices are shaped both by the range of available opportunities and by the distribution of entitlements in society, it is crucial to attend to the inferior economic position of women in American society and those social and economic factors which produce the unequal life chances of men and women.

CONCLUSION

If the arguments I have offered here are correct, then prostitution is wrong in virtue of its contributions to perpetuating a pervasive form of inequality. In different circumstances, with different assumptions about women and their role in society, I do not think that prostitution would be especially troubling—no more troubling than many other labor markets currently allowed. It follows, then, that in other circumstances, the asymmetry thesis would be denied or less strongly felt. While the idea that prostitution is intrinsically degrading is a powerful intuition (and like many such intuitions, it persists even after its proponents undergo what Richard Brandt has termed “cognitive therapy,” in which errors of fact and inference are corrected), I believe that this intuition is itself bound up with well-entrenched views of male gender identity and women's sexual role in the context of that identity.⁶² If we are troubled by prostitution, as I think we should be, then we should direct much of our energy to putting forward alternative models of egalitarian relations between men and women.

62. Richard B. Brandt, *A Theory of the Good and the Right* (Oxford: Clarendon, 1979).