A Moral Defense of Prostitution

Rob Lovering
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“The enjoyment of sexual pleasure can contribute greatly to a person’s happiness. Prostitution, in providing opportunities for such pleasure, should therefore be viewed as an admirable profession that makes a very welcome contribution to human society. Instead, prostitutes are looked down upon, and prostitution is illegal in many countries and most of the United States. Why is this the case? The reason is that many people are in the grip of unsound arguments that lead them to think that prostitution is morally wrong. Rob Lovering’s book is a welcome correction. Not only is it the first book to survey the wide variety of arguments for the immorality of prostitution, it also sets out—in an admirably clear and accurate fashion—each of the important arguments that have been offered for this view, and then shows convincingly in each case why the argument in question is unsound.”

—Michael Tooley, Former President, The Australasian Association of Philosophy and The American Philosophical Association (Pacific Division)

“The view that prostitution is immoral is taken for granted by most people worldwide. Scholars, policy makers, and the media rarely question prostitution’s moral status, even if they support attempts to legalize it. In his unique book, Rob Lovering offers a tour-de-force analysis of this question. By systematically critiquing the conventional arguments and assumptions, he provides nothing short of a paradigm shift in how we conceptualize prostitution. A ground-breaking book that will help to destigmatize sex work.”


“Morality politics are wedded to debates about prostitution. This book tackles the arguments against prostitution head on, delving deeply into the intricate yet everyday contestations. Logical arguments that interrogate the moral status of prostitution are important for the sex worker rights movement, and ultimately speaks against the stigmatization of sex workers. This book provides fresh analysis, powerful persuasion and a suite of armor against claims that immorality is intrinsic to prostitution. Useful for activists, policymakers and scholars alike, this extensive coverage of age-old arguments enables critical engagement with ideas which are too often taken for granted.”

“Lovering’s book is an important examination of the moral status of prostitution, apart from its legal or prudential profile. This matters. Social perfectionist arguments are used to advance a range of political agendas. History is rife with examples of moral arguments about prostitution being deployed in the service of temperance, eugenics, and nativism. Lovering elucidates the weaknesses of such arguments.”

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In 2015, Palgrave Macmillan published my *A Moral Defense of Recreational Drug Use*. Unlike all of my previous publications, which were written for an academic—particularly philosophical—audience, *A Moral Defense of Recreational Drug Use* was written for a more general audience, by which I mean that it was written in such a way that educated readers who lacked formal training in philosophy could understand it nevertheless. Despite the similarity in title, this book, *A Moral Defense of Prostitution*, was written in the vein of the aforementioned previous publications: for an academic—particularly philosophical—audience. This is not to say that it is completely inaccessible to those who lack formal training in philosophy. Indeed, I suspect that many, if not most, educated readers will find it to be rather accessible indeed. It is only to say that the book proceeds as if its average reader will be a professor or graduate student of philosophy.

In addition to their titles, there is another way in which *A Moral Defense of Recreational Drug Use* and *A Moral Defense of Prostitution* are similar. When I wrote *A Moral Defense of Recreational Drug Use*, there was not a monograph (in English, at least) that was dedicated to providing an argument for the moral permissibility of recreational drug use and critiquing a wide variety of arguments for its immorality. Because of this, I chose to cast my net wide so as to cover an extensive and varied set of what I took to be the most common and/or plausible arguments for and against the moral permissibility of recreational drug use. And so it is here. As I write this, there is not a monograph (again, in English at any rate) that is
ACKNOWLEDGMENTS

dedicated to providing an argument for the moral permissibility of prostitution and critiquing a wide variety of arguments for its immorality. As with *A Moral Defense of Recreational Drug Use*, then, I have chosen to cast my net wide here so as to cover an extensive and varied set of what I take to be the most common and/or plausible arguments for and against the moral permissibility of prostitution. As a result of said casting, each of the arguments contained in this book, as well as each of the objections raised against them, could be—and, at some point, should be—isolated and developed even further. After all, and as I write in Chap. 1, the question of prostitution’s moral status is (to borrow a phrase) a “monstrous tangle” of moral, legal, sociological, criminological, psychological, philosophical, logical, economic, and other assorted issues. And though I have done what I could to address said issues in the space allotted to me by my publisher, I have not addressed them all. Given this, I welcome and encourage others—especially those from different philosophical (and scholarly, ethnic, gender, socioeconomic, etc.) backgrounds—to pick up where I leave off.

I want to thank the following people (listed in no particular order), all of whom played an important role in the development of this book in one way or another: Steve Morris, Greg Tateosian, Stephen Cedars, Christina Latimer, Adam Rzepka, Amanda Rolfe, Ryan Oden, Anthony Hall, Sarah Holyhead, Paul Studtmann, Jeff Reiman, Ed. L. Miller, Pat Keeton, Peter Scheckner, Tayloe Dines, Tessa Dines, Lauren Ralston, Pat Lovering, Heather Lovering, Jennifer Engel, Lennon Lovering, Olana Lovering, Page McConnell, Trey Anastasio, Mike Gordon, Jon Fishman, and three anonymous reviewers.

A very special thanks goes to Michael Tooley, who read and commented on early drafts of the first four chapters.

Finally, I would like to thank the person to whom this book is dedicated, Lucia Scheckner. Rare is the person who would not only tolerate but celebrate his/her/their spouse’s writing of books with the titles *A Moral Defense of Recreational Drug Use* and *A Moral Defense of Prostitution*. For that, and her love, I am very grateful.

NOTE

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Having finished presenting my moral defense of prostitution, I would like to address (very briefly) questions that some readers are likely to have at this point. First, given that I hold that prostitution—specifically, that what the prostitute does through it—is neither intrinsically, nor generally extrinsically, immoral, do I also hold that prostitution should be legalized or, at least, decriminalized? Before answering this question, a claim that I made in Chap. 1 should be repeated here: that the moral and legal statuses of an act are, in principle, distinct. Accordingly, from the fact (if it is, indeed, a fact) that prostitution is neither intrinsically, nor generally extrinsically, immoral, it does not follow that it ought to be legalized or even decriminalized. And there are compelling arguments (e.g., de Marneffe’s) for legal prohibitions against prostitution even if what the prostitute does through prostitution is neither intrinsically, nor generally extrinsically, immoral. Having said that, my own view on whether prostitution should be legalized or decriminalized—which I will merely state here, not argue for—is that it should be legalized. Some of my reasons for holding this are consequentialist in nature (e.g., legalization would significantly reduce, if not altogether eliminate, the systemic harm of prostitution); others are nonconsequentialist in nature (e.g., legalization respects the prostitute’s and the client’s right to bodily autonomy). None, however, is conclusive by my lights, so I continue to wrestle with this issue. What’s more, I have found some of the arguments for what is referred to as the “Nordic
Model”—according to which the purchasing of sex is legally prohibited whereas the selling of sex is not (or, at least, it is not criminalized)—to be rather compelling. But, as of this writing, I do not find them compelling enough to jettison my view.

The second question that I would like to address pertains to a claim I made in Chap. 1, namely, that, as prostitution is currently practiced, the client’s purchase of the prostitute’s sexual services is often deceptive, sexist, oppressive, objectifying, demeaning, exploitative, abusive, and/or violent, is so contrary to the prostitute’s will, and thereby immoral. When that claim is combined with the claim that I have defended in this book—that prostitution (understood solely in terms of what the prostitute does through it) is neither intrinsically, nor generally extrinsically, immoral—the resultant claim is as follows: at least as prostitution is currently practiced, what the prostitute does is neither intrinsically, nor generally extrinsically, immoral, but what the client does is often immoral. The question, then, is: Am I not bothered by this seemingly oxymoronic implication? I am not. After all, this is not a contradictory claim. Nor does it contradict another claim that I made in Chap. 1, namely, that if selling sex is perfectly morally permissible, then it is very difficult to see how purchasing sex could be immoral nevertheless. For that claim ends with the following qualifier—“intrinsically so, at any rate.” But most importantly for present purposes, this implication strikes me as true. To be sure, I have only argued for the first half of it here. And, as suggested by the fact that I am discussing this implication in an afterword, I will not be arguing for the other half of this claim in this book. But there is a substantial amount of empirical evidence—some of which has been presented here—supporting the claim that the client’s purchase of the prostitute’s sexual services is often deceptive, sexist, oppressive, objectifying, demeaning, exploitative, abusive, and/or violent and is so contrary to the prostitute’s will. That it is thereby immoral is not difficult to believe.

What’s more, if it is indeed true that, as prostitution is currently practiced, what the prostitute does is neither intrinsically, nor generally extrinsically, immoral, but what the client does is often immoral, then prostitution (again, as currently practiced) is not morally symmetrical in the way that, say, hand-shaking as a form of salutation is. Rather, prostitution is morally asymmetrical: what the prostitute does is generally morally permissible, but what the client does often is not. It is not perfectly morally asymmetrical, of course—“generally” morally permissible and “often” immoral are
not exact counterparts. It is, however, morally asymmetrical nonetheless. And this asymmetry is worthy of explicitly acknowledging, I submit. For, among other things, doing so might help relax some of the argumentative tension frequently experienced by those who debate the moral status of prostitution. To see this, suppose two friends, Lars and Catherine, are arguing over the moral status of prostitution as it is currently practiced. Tacitly focusing on what the prostitute does, Lars argues that prostitution is morally permissible. Tacitly focusing on what the client does, Catherine argues that prostitution is immoral. If it is true that, as prostitution is currently practiced, what the prostitute does is neither intrinsically, nor generally extrinsically, immoral, but what the client does is often immoral, then both Lars and Catherine are correct to some extent—what the prostitute does is generally morally permissible, whereas what the client does often is not. Explicit acknowledgment of prostitution’s moral asymmetry might help individuals like Lars and Catherine move beyond what is, in their case, a specious disagreement and on to potential points of agreement.

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