Ericsson and Pateman on Prostitution

Ericsson

• Ericsson: while prostitution as it is currently practiced in the U.S. and Europe is a bad institution, the badness rests on purely extrinsic factors—the stigma associated with prostitution and the unjust laws governing prostitution. Prostitution is not intrinsically a bad thing; in more favorable conditions, prostitution could be a good institution.

P1 Sex is a fundamental human need, like access to clothing and shelter.

P2 All else being equal, the provision of fundamental human needs is desirable and should be allowed.

P3 In ideal circumstances, there is no good reason for prohibiting prostitution.

C1 In ideal circumstances, prostitution is desirable and should be allowed.

• He spends most of the article arguing for P3 by shooting down arguments that prostitution is undesirable

• The Sentimentalist Argument Against Prostitution goes like this:

P4 Sex between a prostitute and their client is inferior to romantic sex between two people who love each other. It is cold and impersonal.

C2 Prostitution is undesirable; and should be avoided in favor of romantic sex.

– Ericsson accepts the sentimentalist’s premise. He thinks that prostitution is inferior to sex between two people who love each other. However, he doesn’t think that the conclusion C2 follows from P4. Just because something is inferior doesn’t mean that it is undesirable. Compare:

P5 A hamburger is inferior to a fillet mignon. Hamburgers are made of low-quality meat.

C3 Hamburgers are undesirable; and should be avoided in favor of fillet mignon.
Additionally, the sentimentalist’s argument overgeneralizes. For prostitution is not the only form of sex that is inferior to romantic sex between two people who love each other; and mercenary sex may in fact be superior to many of these other forms of sex. Compare the sentimentalist’s argument to:

P6 Perfunctory married sex is inferior to sex with a skilled prostitute.

C4 Perfunctory married sex is undesirable; and should be avoided in favor of sex with a skilled prostitute.

• The Paternalistic Argument Against Prostitution goes as follows:

P7 Prostitution exposes the prostitute to the risk of venereal disease, assault, and mental illness.

C5 Prostitution is undesirable, and should be outlawed.

– Again, Ericsson accepts the premise P7, but doesn’t think that the conclusion follows. A job’s being hazardous is not always a reason to prohibit the job. Compare:

P8 Mining exposes miners to the risk of fires, collapses, and explosions.

C6 Mining is undesirable, and should be outlawed.

– Because we recognize that mining provides a valuable service, the thing we usually say about mining isn’t that it should be illegal, but rather that we should take steps to making mining safer. Similarly, assuming that prostitution provides a valuable service, as Ericsson thinks it does, we should take steps to make prostitution safer, not outlaw it.

– Additionally, the mental illness associated with prostitution is likely caused (at least in part) by societal stigmatization of prostitution. Genuine concern for the prostitute’s well being would lead one to call for the stigmatization of prostitution to end.

• The Feminist Argument Against Prostitution goes as follows:

P9 Prostitution is unequal in a way that disfavors women.

C7 Prostitution is undesirable; and should be outlawed.

– Ericsson: there are two kinds of social injustices: injustices in which one group is given an extra burden and injustices in which one group is denied a benefit. And there are two ways of dealing with unjust social institutions: abolishing them or modifying them.

– If the complaint is that women don’t have access to the same sexual services that men do, then this is a case where women are denied a benefit, and the natural solution is the fix the institution so that women can avail themselves of prostitutes.
– If the complaint is that women bear the extra burden of being prostitutes, then the complain is based on a false premise: a great many prostitutes are men (who are paid to service other men).

– The complaint may be that prostitutes are exploited by pimps (“sex capitalists”). In this case, Ericsson concedes the point. However, the reason that women are exploited in this way, he claims, is that society has set up laws which make such exploitation inevitable. In the US, the illegality of prostitution forces prostitutes to go to pimps for protection, since they cannot rely upon the police. In European countries, prostitution is legal, but renting rooms to prostitutes is illegal; this forces prostitutes to associate with less than scrupulous landlords who charge them exorbitant fees for the use of their rooms. The way to fix such exploitation is the fix the laws. [These claims appear in the unabridged version of the article.]

– The complaint may be that prostitutes are not regarded as people, but only as sexual tools, pieces of meat. Ericsson: just because we’re more interested in a professional’s services than we are interested in them as a person, this doesn’t mean that the professional must be dehumanized, or turned into an object. Compare the case of a doctor—we’re only interested in them insofar as they can make us healthy, but that doesn’t mean that they are dehumanized.

**Pateman**

• Ericsson gets the feminist argument against prostitution wrong. The objection isn’t (or shouldn’t be) that prostitution is undesirable because it distributes sexual benefits unequally. Rather, prostitution is undesirable because it is the institutional submission of women to men.

P10  Sexuality is integrally connected to our sense of identity. Our sexuality is inextricably bound up with who we are as persons.

C8  To submit one’s sexuality to another is to submit one’s self to another.

C9  Prostitution is the institutional submission of women to men.

P11  The submission of women to men is undesirable.

C10  Prostitution is undesirable.

– The fact that the majority of prostitutes are female and the majority of clients are male cannot be viewed as merely contingent; it must rather be viewed against the backdrop of a society that sanctions the submission of women to men. In this light, prostitution represents a particularly egregious instance of patriarchy. Since patriarchy is bad, prostitution is bad as well.

• Pateman rejects Ericsson’s liberal understanding of prostitution as the voluntary sale of
services. She thinks that, in the case of prostitution, the line between voluntarily contract-
ing one’s services and being coerced into providing those services is blurred.

– One way of coercing somebody into doing something is by providing them with a
limited choice set, of which the thing you want them to do is the best option—e.g.,
allegiance or death?

– The prostitute may choose to sell her sexual services, but only because her only other
option is penury. When women go into prostitution under such circumstances, we
cannot properly describe them as voluntarily selling their sexual services on the open
market. Rather, the better way of describing them is as being forced into providing
something integral to their self-conception—their sexuality—with the consolation of
payment.

• Pateman objects to Ericsson’s characterization of sex as a natural right (P1). And she notes
that, even if this is granted, there is an obvious disanalogy between sex and clothing and
shelter, which shows that P2 is false. While people are not able to provide themselves with
clothing and shelter, people are able to provide themselves with sexual release. So society
need not provide for people’s sexual release in the same way it needs to provide for their
clothing and shelter.