## Introduction

Sex, Money, and Philosophy

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From mainstream corporate pornography to illegal street prostitution, there are billions of dollars being made each year from the sale of sex and sex-related products and activities. Who is making that money and who is benefiting from, or being harmed by, the various sex-related businesses is one of the topics of this book. But however one counts, it is clear that commerce in sex is not diminishing and that more people are involved in various aspects of the industry every day. The sex industry a loose term for a variety of commerce in sex-is an enormous economic force in the United States and worldwide. According to one report, the American pornography industry grosses more per year than the American music and mainstream movie industries combined. According to another report, Americans spend more money per year on strip clubs than on theater, opera, ballet, jazz, and classical music concerts combined.2 General Motors (through its subsidiaries) supposedly sells more pornographic videos than Larry Flynt.3 Estimates of the amount of money spent per day on prostitution in the United States range upward of \$40 million. All these claims, although controversial in their detail, reveal a trend toward the mainstreaming of pornography and other departments of the sex industry in the United States, despite prostitution's

- Frank Rich, "Naked Capitalists: There's No Business Like Pom Business," New York Times, May 20, 2001.
- Martin Amis, "Sex in America," Talk, February 2001; and "A Rough Trade" Guardian Unlimited, March 17, 2001.
- 3. Timothy Egan, "Erotica Inc.: A Special Report; Technology Sent Wall Street into Market for Pornography," New York Times, October 23, 2000.

remaining illegal everywhere in the country except certain counties in Nevada.<sup>4</sup>

As the industry itself grows, so does writing and thought about it from academic and activist circles (which are sometimes the same, sometimes not). This book is about the attempt of academic and activist feminists to deal with the sex industry and the hard questions it raises for liberal feminism. When one picks up a book entitled *Prostitution and Pornography: Philosophical Debate About the Sex Industry*, one probably expects a debate about whether prostitution and pornography should be legal or not. To an extent, this book delivers in that area. But this is more than a collection of arguments pro and con; it is an exploration of some of the deeper issues behind the pro and con arguments. The articles collected here focus on questions about what prostitution and pornography are, what they do, and how arguments about them involve our conceptions of the self, freedom, social responsibility, and action.

Certainly, at the center of all this are some disagreements about sex: its function, its meaning, and its proper place in one's life. But also at the center of the arguments here are disagreements about money: how it affects freedom, what it should be used for, and how its distribution should be controlled. This book is as much about the confluence of sex and money in general as it is about prostitution and pornography in particular. These issues regarding sex, money, and the self are important both to those who are talking about the details of everyday life and those who want to think about the concepts that frame those details. Indeed, the ethical questions raised by sexual commerce in general are at the heart of philosophy, while also being the most practical of questions: about who we are, what we do, why we do it, and whether or not we should.

The book begins with the so-called radical critique of feminist liberal defenses of the sex industry and its products. The second section focuses

- 4. A popular misconception is that prostitution is legal in Las Vegas. In fact, it is illegal in all Nevada counties over a certain population; and streetwalking is illegal everywhere in the State. Currently, brothels are the only legal form of prostitution in Nevada, and they are legal only in ten out of Nevada's seventeen counties. For an account of working conditions inside Nevada's legal brothels, see Alexa Albert, 2001, Brothel: Mustang Ranch and Its Women (New York: Random House).
- 5. Readers should note here the use of the expression "feminist liberalism" rather than the reverse "liberal feminism." This is because this collection of articles is organized around questions about the adequacy of liberalism to address the putative harms and benefits of the sex industry and its products. It is not organized around questions about the goals and limits of feminism, although these questions, of course, do come up in many of the articles.

on feminist liberal responses to the critique of prostitution, while the third section focuses on feminist liberal responses to the critique of pornography. Section Four gathers together several articles that attempt in different ways to address some of the conflicts between feminist liberals and their critics, without giving up an interest in either feminist concerns with women's condition or a liberal commitment to equality and individual choice generally.

For newcomers to these issues, it may seem that this collection of articles places them in the middle of a debate rather than at the beginning. In a sense it does. There are no articles in this volume by social conservatives, or by those on the religious right, or from those consumers of sex industry products or work who have no interest in general questions about the status of women. These may be the source of much interesting discussion elsewhere, but here the focus is on what people who are generally interested in sexual freedom, generally interested in remedying social injustice, and particularly interested in sexual freedom and social justice for women, have to say about prostitution, pornography, and what the two have to do with each other.

In this context, the reader should note the division here between feminist liberal discussions of prostitution and feminist liberal discussions of pornography in Sections Two and Three, respectively. This division is not an editor's conceit; the two aspects of the sex industry really are treated very differently in academic circles. And that brings us to another main theme of this collection: the differing treatment of prostitution and pornography in much feminist liberal academic writing and in U.S. legal/political culture. A quick comparison of legal practices and societal attitudes toward prostitution and pornography reveal a dichotomy of thought: prostitution is illegal and socially condemned in much of the United States, while pornography is generally legal and increasingly considered more socially acceptable, although both involve commerce in sex. (Even the typical explanation that this dichotomy is due to the sexual Puritanism of U.S. society fails to explain the dichotomy itself, since the same dichotomy is preserved in reverse in some societies that are thought to be more sexually liberal than the United States, such as some democracies of Western Europe.) The different attitudes toward prostitution and pornography persevere despite the fact that those with experience inside the sex industry do not tend to view various departments of the sex industry as so clearly distinct. Workers, activists, students, and scholars can all benefit from thinking about why this might be the case and what it has to do with the way the sex industry functions and why further thought about it is important.

Some of the articles included here are by people who have had direct experience in the sex industry and could be called activists—whether for or against the sex industry. Most are by academics, some of whom are also activists. All of the articles share a common interest in the ways in which feminist liberalism does or does not adequately deal with the sex industry. The idea is not to have industry veterans or survivors "teach" academics something practical so they can produce better-informed theory, or for academics to explain to industry veterans or survivors what the significance of their experiences really are. Rather, the point is to bring together an assortment of writings about the sex industry by people who are generally interested in questions about the status of women, the role of law in affecting that status, and the place of sex in our lives, in order to make some sense of the very different ways prostitution, pornography, and other parts of the sex industry are treated in U.S. culture, and to think about how the principles of feminism and liberalism conflict with and compliment one another.

That having been said, the reader should note some of the differences between the academic and nonacademic articles in this collection. Each section of the book opens with writings by people with experience inside the sex industry. This organizational structure is intended to highlight rather than gloss over the differences in emphasis between some of the academic and nonacademic pieces. The nonacademic articles tend to diverge from the academic articles in the privilege they give to anecdote and first-person experience. In some cases, this difference in style itself constitutes a kind of argument about the alienation that many activists and workers feel from academic discussions within liberal feminist circles, which often treat first-person accounts as useful simply for providing "color" to theoretical debates and for spurring classroom discussions. Since one of the themes of this collection is the question of liberalism's adequacy for addressing criticisms of the sex industry, it is important to think about whether academic divisions of the conceptual terrain of the sex industry in fact line up with the experiences of those who have lived in that terrain.

A final introductory note, before an overview of the materials collected here: it is not the goal of this collection as a whole to advance any particular agenda or set of arguments. Rather, the hope is that readers will take away from this book a deeper understanding of the complexity of questions about the sex industry and an interest in pursuing further some of the topics raised here. Of course, each of the authors included here has a view about the goods and ills of the sex industry and its products, and of course, each of the authors here would hope to make the case that her or his argument should convince the reader of some fundamentally

important point about prostitution or pornography. After all, as the subtitle of this book states, this is a philosophical debate. But all of the authors here would probably describe themselves as feminists in some sense, if they were given to labeling themselves. All are interested in the welfare of women and the way it is affected by the sex industry. And minimally, all the authors here would probably describe themselves as interested in very general liberal ideals. The real disagreement is over the questions of whether and how feminist principles can be reconciled with classical liberal ideals of individual freedom and choice. Despite their widely different views on these matters, all of the authors have agreed to include their work here because they think that it is important for both a general audience and a scholarly one to pay more attention to the issues raised by prostitution and pornography, and their effects on the lives of real people.

The first section of the book is a collection of critiques of the sex industry by people concerned about the damage it does to women. The authors discuss various harms caused or perpetuated by the sex industry, all being critical of the industry in general, and all connecting different aspects of the sex industry, from stripping, to pornography, to prostitution. According to this group of authors—in an analysis often labeled "radical feminist" for its emphasis on the social fact of the gendered nature of the sex industry and the harms it causes—evidence of rampant coercion and subjugation in the sex industry supports their view that the industry is not a legitimate one. Thus, this group of authors does not use the term "sex work," which has become popular among a certain subset of Western writers on the subject, but instead refers to prostitution, in its various forms, using terms like "exploitation," "slave," and "survivor."

This section opens with Vednita Carter and Evelina Giobbe's article, "Duet: Confronting the Liberal Lies about Prostitution," which is a response to the argument that "sex work" is work just like other work. Carter and Giobbe argue that prostitution and pornography are founded upon coercion and that liberals confuse the exploitation inherent in the sex industry with free choice. An undercurrent in their argument is that there is an element of racism in the defenses of prostitution offered by "sexual liberals," and they charge academics as guilty of perpetuating the exploitation of women used in the industry by appropriating real experiences for academic debates about abstract politics.

The next article, "Stripping as a System of Prostitution," a new piece for this collection by Christine Stark, links prostitution and pornography to more socially accepted departments of the sex industry, like stripping. Stark describes how supposedly disparate forms of sexual commerce function together as a system, subjugating women and enslaving them in a cycle of sexual abuse. She challenges the notion that more socially accepted

activities like stripping are any more legitimate than prostitution, arguing that the two are inseparable and that more accepted activities like stripping are in fact gateways to lure women into prostitution and pornography and keep them there.

After these descriptions of the way the sex industry systematically abuses women, Carole Pateman offers an analysis of what makes this abuse different from legitimate work. In "What's Wrong with Prostitution," from her book *The Sexual Contract*, Pateman responds to the liberal defense of prostitution offered by philosopher Lars Ericsson in his article entitled "What's Wrong with Prostitution?". Pateman answers that question by arguing that selling sex differs fundamentally from selling other labor. Her argument is that the prostitution contract must be viewed in the context of an overarching societal "sexual contract" wherein men trade sexual access to women. So for Pateman, the entire exchange is an instantiation of gender hierarchy that makes women into commodities bought and sold by men.

In a newly revised version of her article "Split at the Root: Prostitution and Feminist Discourses of Law Reform," Margaret Baldwin also attacks the theoretical bent of much of the liberal defense of the sex industry, charging that abstract academic arguments about the sex industry perpetuate an "us/them, good-woman/whore" dichotomy. Baldwin's argument is that the liberal focus on consent misleads us into thinking that prostitution is something women meaningfully choose, and so turns prostitution in particular into a problem about "other women" rather than a problem with gender and power relations.

Catharine MacKinnon, in "Equality and Speech" from her book Only Words, argues that pornography is not a form of protected speech but a practice of sex inequality. She claims that as such, pornography of the sort commonly sold by the pornography industry should be treated in the same way as other forms of activity that are abusive, discriminatory, or degrading. This is an innovative way of critiquing pornography because it centers the discussion on questions of equal rights rather than simply on speech. MacKinnon's argument is that pornography results from and causes injuries to equality rights, which should be promoted under the 14th Amendment to the U.S. Constitution. One common misconception about this argument is that it is a call for a ban on pornography. In fact, it is not. It is instead an argument that there should be civil remedies under the law for victims of pornography, namely, the women used in it or abused with it.

Underlying MacKinnon's argument about the injurious consequences of pornography is an approach that differs markedly from liberal treatments of the sex industry. MacKinnon's discussion of a lack of consent to the harms of pornography is not meant theoretically, but empirically. The observation is that women in pornography mainly do not in fact consent to the injuries done to them and with them. This critique of the lack of meaningful consent goes to the heart of the liberal view that "sex work" can be empowering by enabling the disadvantaged to gain control of their own labor power.

The second section of this collection focuses on feminist liberal discussions of prostitution. The articles in this section each make the case that prohibitions on prostitution are wrong, harmful, or both. The main problem with prostitution in the United States, according to many feminist liberals, is that poor women often do not have many choices and their labor conditions are generally bad. Selling sexual services is not fundamentally different from other bodily labor in this regard, and indeed, can even offer disadvantaged women more autonomy and personal control over their working conditions than many other jobs. What disadvantaged women need then, is not further restriction on economic opportunities, but fair, safe, labor conditions, and freedom from stigmatization if they choose to engage in sexual commerce. Some liberals thus think that the answer to the problem of prostitution lies in government regulation and normalization, while some more libertarian feminists think that government intervention in the sexual lives of women is itself part of the problem and should be abandoned altogether. The articles here run the gamut of these positions, but all share the view that criminalization and other forms of prohibition do more to hurt than help those who are supposed to be of primary concern: disadvantaged women with few choices.

Norma Jean Almodovar's "Porn Stars, Radical Feminists, Cops, and Outlaw Whores: The Battle Between Feminist Theory and Reality, Free Speech, and Free Spirits," is a new piece, written for this collection, which asks the reader to consider the rationality of the different treatment that prostitution and pornography receive under the law. Almodovar, a former LAPD employee and prostitute, is a libertarian activist who attacks the legitimacy of any governmental role in legislating sexual commerce: either through regulation as labor or through prohibition. Her argument here focuses specifically on the way pornography is considered legitimate work, while prostitution is criminalized. The same free choice can be involved in both types of sexual commerce, according to Almodovar, and laws against prostitution essentially amount to persecution of prostitutes, whose plight is often ignored by the pornography industry. Almodovar argues that the legal treatment of prostitution is neither justified theoretically nor practically, when one considers the abuse prostitutes often receive at the hands of the legal system.

In "'Whether From Reason or Prejudice': Taking Money for Bodily Services," Martha Nussbaum argues that the main trouble with sex work is the bad working conditions that tend to characterize the lives of many sex workers—as well as the lives and work of the poor generally. This, combined with repressive attitudes about sex in general, is what makes prostitution as it is typically practiced so troubling, rather than the sale of sexual services in and of itself. Nussbaum urges us to consider sex work in comparison to other forms of bodily labor in order to investigate whether or not there really is something essential to it that sets it apart from other bodily labor. The implication here is that there is nothing about sexual activity that makes it fundamentally different from other sorts of human activity, and that the real problems with sex work are the economic necessity and low pay that also characterize some other forms of bodily labor, A centerpiece of Nussbaum's argument is a comparison among several jobs that involve varying degrees of intimacy and bodily risk, including prostitution. One of the features of this comparison is a focus on the stigmatization of prostitution that sets it apart from other jobs. According to Nussbaum, this stigmatization is itself damaging and in need of redress.

Sibyl Schwarzenbach emphasizes this thought about the damaging effects of stigmatization even more in an article that pre-dates the others in this section. In "Contractarians and Feminists Debate Prostitution," Schwarzenbach argues that the marketing of sexual services can, in fact, be an empowering force. She uses the notion of *stewardship*, which she views as central to both Locke's and Hegel's philosophical theories, and which underlies much of modern philosophical thought on property, to make the case that selling sexual labor power is much like selling certain other forms of labor power—provided, always, that strict limits are maintained. The focus here is a bit different than Nussbaum's focus on human capabilities. Especially interesting is Schwarzenbach's comparison between the work of a prostitute and that of a professional dancer, both of which involve the sale of something that may be seen as central to one's conception of self, and both of which involve bodily performance for the pleasure of others (which can be at some physical cost to the performer).

Laurie Shrage's article, "Prostitution and the Case for Decriminalization," argues in support of decriminalization, making the case that prostitution should be understood as an economic activity, which can vary according to context. In some contrast to her own earlier published piece on prostitution (as discussed in the Schwarzenbach article in this collection), Shrage does not find much value in the radical feminist critique of the sex industry, which she sees as insufficiently attentive to the way various contexts shape prostitution differently. Here Shrage develops

a position intermediate between condemning prostitution as a sign of social decay and glamorizing it as libratory transgression. She argues that prohibition worsens the stigma that is one of the central problems for sex workers, and suggests that although the sex industry may be problematic, criminalization only exacerbates its damaging effects on the individuals involved. By removing legal sanctions against prostitution, Shrage thinks we might thus facilitate other moral ideals.

Section Three of this collection focuses on feminist liberal treatments of pornography and arguments for easing restrictions on it. Strikingly, the traditional academic liberal emphasis on the individual shifts when it comes to discussions of pornography. While the critic's concern remains both the person who is exchanging sex for money and the condition of women generally, the liberal focus shifts from the individual worker to the social value of expressive liberty. In my own article in Section Four of this collection, I will argue that this involves a shift from an Enlightenment model of personhood and agency-with its emphasis on individuality and rationality-to a view of the self as more socially embedded and fluid. But one need not accept that argument to notice the disparate treatment of prostitution and pornography in many academic feminist liberal discussions. This distinction is not found in many nonacademic discussions, however, and this fact alone is worth some further consideration. What the articles in this third section all have in common is their emphasis on the negative consequences of restrictions on expression, and a worry about repressing too quickly or too broadly, differing expressions of sexuality-even (sometimes especially) where such expressions are troubling or disturbing.

The first article in Section Three has been written exclusively for this collection by sex writer Theresa Reed (aka "Darklady"). In "Private Acts vs. Public Art: Where Prostitution Ends and Pornography Begins," Reed describes her experience working within the pornography industry and discusses some of the real and perceived differences between pornography and prostitution. Although concerned about the rights of individuals to engage in whatever consensual forms of sex work they choose, Reed emphasizes the important difference between the public nature involved in the creation and distribution of a tangible third-party pornography product and the private nature of the personal and individualized prostitution exchange. She expands this into the realm of artistic expression, arguing that both pornography and prostitution are capable of involving artistic expression. This is in contrast with many liberal treatments of each, which limit the pornography debate to discussion of expression rights, and the prostitution debate to discussion of labor concerns.

In "Freedom, Equality, Pornography," Jonathan Cohen responds to MacKinnon's call for legal restrictions on pornography by trying to make some space for societal interests in protecting pornography. Cohen argues that the harm pornography does can be combated in a way that preserves sexual expression. His appeal to other legal means of controlling abuse in the sex industry provides liberalism's strongest response to charges that it ignores the harmful fallout from the industry. Ultimately, Cohen is pessimistic about what strict regulation can accomplish, and he argues that the best way to deal with troubling expression is to expose it rather than try to suppress it.

Ronald Dworkin's article, "Women and Pornography," was originally written as a review of MacKinnon's book *Only Words*. In it, Dworkin criticizes MacKinnon's equality argument (laid out in Chapter Four of this book) as too broad, and dangerous in its implications. According to Dworkin, MacKinnon's argument presupposes the principle that equality requires that some tastes and preferences not be expressed at all. Such a principle is dangerous, according to Dworkin, because it could justify government prohibition of any expression that offends a disadvantaged group. Not only is Dworkin unwilling to trade liberty for this sort of equality, but he also argues that such a trade-off is not required by a commitment to First Amendment values. According to Dworkin, one of the purposes of the First Amendment is to protect the very ideal of equality that MacKinnon thinks gets short shrift in liberal defenses of pornographers' free expression rights.

In "Disgust and Desire: Hustler Magazine," Laura Kipnis moves the debate about pornography away from concerns about sexual abuse and gender oppression by arguing that pornography is sometimes not only about sex, but also about class. According to Kipnis, one way of understanding the revulsion to certain forms of "low" sexuality is as a mechanism for upholding bourgeois class distinctions. Using Larry Flynt and Hustler magazine as a case study, Kipnis explores the intersections of class antagonistic humor and graphic sexuality, arguing that Hustler challenges both bourgeois and feminist bodily proprieties in ways overlooked in feminist discussions about pornography. She argues that one reason to be interested in deliberately offensive pornography like Hustler magazine is that it shows just how much class has to do with sexuality and sexual norms.

Section Four, the final section of this book, brings together several articles that engage very different questions about the sex industry. Like the other articles in this collection, the articles in this section all concern questions of freedom and choice to varying degrees, but all locate their discussion within a consideration of the context in which the

prostitute/client exchange occurs. The articles in this section do not share a viewpoint about the merits of prostitution so much as they share a critical approach to the way the debate is often framed in traditional feminist liberal circles. Some of the articles might be called "egalitarian" to highlight their emphasis on issues of equality and third-party effects on and of the exchange of sex for money, and to contrast them with traditional "liberal individualist" discussions of equality that emphasize the individual free agent more than the social context in which the agent's choices are to be interpreted. And some of the articles explicitly draw the reader's attention to the way traditional debates about the sex industry leave out the experiences of certain sectors of workers. What all the articles here have in common is an emphasis on the way traditional debates between radical and liberal feminists often exclude the concerns of those who are part of, or affected by, the sex industry.

In "The Name of the Pose: A Sex Worker by Any Other Name," written exclusively for this collection, Tracy Quan discusses the very words used to describe prostitution. Her article examines the different nuances of many of the terms used by various parties to debates about the sex industry. Through her discussion of words, Quan creates a snapshot of what many in the prostitutes' rights movement are talking about today. Specifically, she focuses on the growing use of the term "sex work" within certain politicized circles of the industry and academia, and she draws attention to the pros and cons of such mainstreaming terminology.

In another new piece written for this collection, "Thinking Outside the Box: Men in the Sex Industry," Julian Marlowe discusses the limitations of feminist discussions of the sex industry that focus exclusively on female sex workers, while disregarding male sex workers and clients entirely. Marlowe draws upon his own experiences to confront the conventional arguments in favor of prohibitions on prostitution and pornography, and challenges the reader to think about sexual commerce outside of the context of gender hierarchy. In addition to the point about who is left out of traditional feminist debates about the sex industry, a suggestion here is that prohibitions on prostitution rest on certain stereotypes that do more to damage women's freedom than aid it.

In "Prostitution & Sexual Autonomy: Making Sense of the Prohibition of Prostitution" Scott Anderson offers a critique of prostitution based on the philosophical idea of autonomy, or freedom, set in the context of a concern with equality and justice. He argues that sexual autonomy can be ensured for all only when sexuality is maintained as a sphere separate from economic activity for all people. In a world where sex work is fully normalized, Anderson makes the case that sex workers will lack sexual autonomy—a situation that he argues is fundamentally unjust.

The injustice of such a world is that some individuals would have more choices at the expense of some groups—namely, sex industry workers—having less freedom. As a safeguard to equality of autonomy then, Anderson thinks the prohibition of prostitution makes sense.

In "Markets in Women's Sexual Labor," Debra Satz also offers a critique of prostitution as an unjust form of labor. Like Anderson, Satz stresses the inequality outside, as well as inside, the prostitution exchange. But unlike Anderson, Satz does not think the problem here is a matter of the erosion of boundaries between workplace and sexual sphere. Rather, according to Satz, the problem lies in the social power differential between men and women that makes the realities of commerce in women's sexual labor unjust. So, although there may be nothing *inherently* demeaning about exchanging sex for money, according to Satz, the realities of women's and men's unequal economic positions in society make prostitution an unfair exchange. And by reinforcing negative stereotypes about women, prostitution not only reflects, but also causally contributes to, women's inferior social and economic status.

The collection concludes with my own "Obscene Division: Feminist Liberal Assessments of Prostitution Versus Feminist Liberal Defences of Pornography," which examines feminist liberal defenses of the sex industry in the context of the different way liberals tend to treat prostitution and pornography. I argue that, despite the fact that both prostitution and pornography involve an exchange of sex for money, there is an inconsistency between feminist liberal assessments of prostitution as a form of labor, and feminist liberal defenses of pornography as a form of expression. I offer an analysis of this inconsistency as involving differing conceptions of the self and the role that sex and sexuality play in those conceptions, and I make the case that traditional feminist liberal defenses of pornography—although they offer a more satisfying account of the self as socially "situated"—tend to ignore the very worker that is supposed to be of such primary concern in the case of prostitution.

Clearly, the intention is that readers will take away from this collection a deeper understanding of debates about the sex industry. But beyond this is also the hope that such a deeper understanding will help change the landscape of thought about the industry, particularly the relation between prostitution and other forms of sexual commerce, like pornography. This is both philosophically interesting and practically important. The differences in the way prostitution and pornography are treated highlight the ways in which we think a person's identity and freedom of choice are differently affected and implicated by different forms of commodification. The kinds of arguments made concerning the benefits/ills of restrictions on sexual commerce—and the differences between the types of debate

surrounding prostitution and pornography in particular—are revealing for how they employ conceptions of human flourishing and ideas about the relationship between freedom, responsibility, and societal goods. And this means that the discussion here is both theoretically and practically fundamental to questions regarding personhood, the role of sex in a healthy human life, and the appropriateness or not of current societal restrictions on various kinds of commerce in sexual services.