

Feminist Issues In Prostitution

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Introduction

Radical feminism opposes prostitution on the grounds that it degrades women and furthers the power politics of the male gender. Feminists seek to be supportive of sex workers while deploring the work itself as inherently wrong. While they do not

admit to taking an ethical position in contemporary moral terms, radical feminists are in fact making a moral statement. Once their arguments are evaluated in an ethical light they tend to logically break down. Much of the problem stems from a lack of understanding of ethical concepts such as virtue, morality, and degradation. Other problems with their position, as exemplified in Kathleen Barry's writings, evolve from a political theory that is oververbalized, generalized, and too often uses stereotypical notions of what a prostitute is. The radical feminist views are thoughtful but not always delineated sufficiently to support a credible theory that prostitution degrades all women.

There are many forms of feminism. Five have expressed strong views on the issue of prostitution, namely: Marxist feminism, liberal feminism, existentialist feminism, socialist feminism, and radical feminism. A chart is included on page 29 to attempt to clarify the relationships between the various categories of feminism. This is necessary because feminism is vibrant and changing, particularly in the case of radical feminism and liberal feminism, which either reinvent themselves or transform with time. An additional difficulty in forming a clear view of feminism is the fact that some feminists may ascribe to one ideology yet borrow ideas from another form of feminism. Feminists may embrace most of the tenets of a particular form of feminist theory, while rejecting a few of its precepts outright. In all cases, one thing is certain: feminism is about promoting a world in which women enjoy an equal share of the rights and power.

Women perceive that they have historically been—and still are—victims of both direct

and subtle forms of male oppression. Feminist beliefs vary widely as to the most effective way to end this oppression. The practice of prostitution in society is thought by radical feminists to reinforce and perpetuate this climate of oppression. Radicals and liberals, however, are divided about the role of prostitution, seeing it in a range of perspectives from that of an ordinary business transaction to an activity that degrades all women. It follows then that there is also a difference of opinion on whether prostitutes are victims—and should be protected by eliminating the source of prostitution—or should be considered free agents pursuing their legitimate economic interests. Radical feminism in this writing is discussed at greater length than other forms of feminism because of the nature of certain beliefs radical feminists hold about prostitutes. They tend to be mechanical in their analysis of prostitution, separating the moral and spiritual forces of relationships from the temporal forces. In doing so they present an incomplete view of relationships between men and women, as well as the intricate relationships between prostitutes and their clients.

In spite of their tendency to misrepresent and exaggerate the meaning of words such as degradation and rape, radical feminists make a philosophical case for the idea that men's aggressive sexual nature is not biological, but rather culturally engendered and therefore capable of being modified. Many men believe their sexual inclinations are inherited traits, and therefore a birthright. This belief serves to perpetuate the myth of their natural dominance. Radical feminists promote the idea that changing men's attitude towards women to a more

enlightened one is an important goal for all feminists. Their argument that male attitudes can be changed enjoys some credibility as a result of biological studies which show that all human behaviors are not necessarily inherited; that many behaviors potentially arise as a function of human cultures.

With the exception of existentialist feminism, the other four feminisms discussed rely all too often on stereotypical notions of the personal lives of prostitutes by focusing too much attention on one socio-economic group at the expense of examining the wide diversity of experiences, values, and beliefs of prostitutes. In an effort to shed some light on prostitution, nine categories of prostitution are discussed.

Basic to this writing is the idea that a climate of immorality is everywhere evident in the society, and obviously not only in the lives of prostitutes. This pervasive cultural climate of immorality (cheating, lying, manipulating, and exploiting others to serve one's own ends) contributes to the oppressions that feminists condemn. The common belief that the manipulation of people in pursuit of one's ends is an acceptable behavior reinforces and perpetuates a myth that such behavior is right. The problem is that once such a belief becomes embedded in the society, more forceful forms of exploitation can arise. Thus, it is reasonable to posit the idea that a multiplicity of influences leads to the oppression of women, not simply the aggressive impulses of men.

Radical Feminism, Prostitution,

and Morality

From the beginning, prostitutes and radical feminists have appeared to be at odds with each other. Laurie Shrage makes a case for the radical feminist perspective when she says “female prostitution oppresses women, not because some women who participate in it ‘suffer in the eyes of society’ but because its organized practice testifies to and perpetuates socially hegemonic beliefs which oppress all women in many domains of their lives.”¹ Such views of radical feminists are seemingly well-thought-out and difficult to dismiss. However, if some of their arguments are analyzed in the context of classical and contemporary ethics, they begin to take on a different light and lose their integral character. Even though the argument that prostitution corrupts women appeals to logic, it is a position driven by highly charged emotions that ultimately corrupt its logic. The position further deteriorates, as exemplified in the first two chapters of *The Prostitution of Sexuality*, because it oververbalizes² the issue and overemphasizes statistical information in an attempt to paint a real-world view of prostitution. Gail Pheterson, in her book *The Prostitution Prism*, touches on other research abuses and the misuse of statistics to define what a prostitute is.³ This is perhaps the greatest failing of the radical feminists who have built a theory of social right and wrong on a stereotypical notion of what constitutes a prostitute. Statistics about a person or group of persons obviously are not the actual person or group. In relation to this, linguist S.I. Hayakawa reminds us in *Language In Thought and Action* that “the

word is not the thing,” that “the habitual confusion of symbols with things symbolized, whether on the part of individuals or societies, is a perennial human problem.”⁴

Radical feminist Kathleen Barry, in *The Prostitution of Sexuality*, envisions prostitution as connected to a darkened world of sex, abuse, and violence. But to others more connected to the world of sex work, common sense and ordinary experience show that the world of prostitution is not a grim and humorless world of only pain, suffering, and abuse. Some of what Barry has to say is relevant and has elements of truth to it, but there are other important aspects of prostitution that are positive and life-affirming. Barry's book largely paints prostitution in the light of a violent, thankless, and grim occupation that degrades not only the prostitutes themselves but the whole feminine gender as well. It is her statistical analysis of many facts that seems to guide her conclusions rather than a deep understanding or intimacy of the world of sex work. The way prostitutes are analyzed—in some instances—objectifies, dehumanizes, and strips them of any personality, like so many flies pinned to a board for an entomologist to study. She reduces prostitutes in moral stature by objectifying them in the same way she charges that men objectify and reduce women.

Radical feminism does not view prostitution as a victimless crime,⁵ but as a situation where men have reduced women to an image of being mere sexual objects. This allows men to unconscionably oppress and coerce women in order to satisfy their

own fantasies through prostitution. Political and economic power seems unfairly divided in the world to these feminists. Men are in the position of dominance, demanding and getting what they want. "According to the radical feminist view, men are socialized to have sexual desires and to feel entitled to have those desires met, whereas women are socialized to meet those desires and to internalize accepted definitions of femininity and sexual objectification." ⁶

From the radical feminists' standpoint, the issue of prostitution is an extension of the power politics that govern social intercourse between men and women. They assert the inherent immorality of prostitution by defining its wrongness in terms of its corrupting influence on the dignity of all women. They also seize the higher ground in a battle between men and women, using prostitutes as pawns in a struggle to assert their world view. In the heat of this battle, the idea of prostitution is oversimplified and subsequently molded into a form that fits well into the political views of the radical feminist.

Oversimplifying an issue frequently produces a logical outcome that can support just about any political position. Prostitution is an enormously diverse and complex issue. Lumping virtually all prostitutes into one general category will yield an inaccurate and insensitive view of their lives.

In constructing theories about prostitutes and prostitution, radical feminists would do well to take into account the diversity of reasons why people enter the profession. They also need to take into account the corrupting effect of any deviant behavior as it makes an impact on society. Moral

degeneration of any sort affects people both individually and collectively. It could be argued that prostitution, while it undoubtedly degrades women to some extent, is not necessarily as degrading as many other forms of degeneracy.

There is not just one, but at least nine, categories of description that prostitute women appear to fall into."⁷ First, there are women who inadvertently fall into poverty and turn to prostitution but have the emotional fiber to withstand the hardships of the profession until they can find something else to do. Second, there are women born poor into families with a long history of poverty and a lack of education. Third, a woman may be abducted against her will for no reasons of defect in her character and be forced into prostitution. Fourth, a woman might voluntarily enter the profession because of defects in her moral character that allow her to fall into association with violent and exploitative social predators, who, like her, do not wish to follow the rules of any legal or moral system. She associates with people in an intimate way, well beyond the protection of the police or the assistance of social agencies that can effectively assist her in fighting off abuse. She underestimates her intelligence and skills and ends up being pimped or trafficked as a prostitute. As illustrated in a subsequent chapter, there is a relationship between working within the social value system(s) and abuse. Thus, it can be said there is potentially a cost for deviating too far from social values."⁸ This is where Kathleen Barry's statement that "most women would leave if they could"⁹ is most relevant to the issue of prostitution. Fifth, a woman may have been "distanced"¹⁰ and demoralized by a fiercely competitive childhood in which she

was unable to compete successfully for sufficient attention from parents, teachers, or employers for her to find acceptance and develop direction. Many prostitutes who have their rational faculties intact are able to resist the intimidations of pimps and avoid a considerable amount of abuse. Sixth, low intelligence and physical and mental problems may lead a woman to find a viable way to be part of a productive society through prostitution. Some of these women might be so unpredictable or incorrigible that they would not make "good women" for pimps. They would be difficult people to get close enough to for exploitation by a pimp trying to establish a relationship by way of feigned intimacy. Some, on the other hand, are perhaps easily guided by the more intelligent pimp. Such women might feel protected by a pimp in spite of low-level abuse which might be considered acceptable by the standards of their experience. Seventh, some women perhaps find that they take to prostitution naturally like "fish take to water."¹¹ This category may include prostitutes whose mothers or relatives were prostitutes through several generations. Such women often know what they are doing and are confident that they can handle most of the dangers. Knowing how to derive value and meaning from what they do, they overcome hardship, obstacles, and abuse. Eighth, in the smallest category, that of attractive women who are very smart. These women recognize an opportunity to make an extraordinarily high income as prostitutes. They place themselves out of danger with wealthy, influential, and intelligent men who can afford a premium price for sexual service. Finally, ninth, some people are irrepressible personalities who seek the

challenge of the most dangerous of undertakings. This category, includes artists, poets, writers, and political activists of many descriptions who are of adventurous spirit, testing the limits of their society. These are intelligent¹² members of the high culture of prostitution that promotes the profession on a higher spiritual and intellectual plane than other categories. They, with their many supporters in mainstream society, often see prostitution in a different light than that of oppression, abuse, and despair. They are on the cutting edge of change for prostitutes and are its main moralizing force gradually evoking openness in the hearts and minds of ordinary people.

Most of the violence and abuse radical feminists talk about fall into the first four categories. Abuse in the sixth category, that of physical and mental problems, is a special consideration of its own. The women of the first four categories at greatest risk are those lacking moral fiber, who, with an outlaw attitude, try to tackle the world on their own terms only to be outsmarted by cunning social predators. Their lives perhaps look grim and bleak, but they often voluntarily lead themselves into danger. An analogy could be made comparing prostitution with mountain climbing. It appears easy to do, but in the end it is an occupation fraught with hazards that only the best and the brightest appear to overcome. This inherent danger is mirrored in the moral device of stigma. Stigma of certain descriptions serves to warn unwary people of the inherent dangers of any entry into a particular area of social life. In this instance, it serves not so much to pronounce on morality but to dissuade people from climbing mountains

they are unskilled at climbing. The many fine points of stigma are too involved to discuss here but are dealt with in subsequent writings.

Radical feminists do not generally subscribe to this broader view of prostitution as outlined in the above nine categories. It seems almost imperative for such individuals to find a link between pimps as oppressors and a generalized theory of male dominance that views men as perpetuating their power by being oppressors. By narrowing their view of prostitution, radical feminists make a point. Moreover, by reducing social dynamics to sexual oppression as the central focus of male-female relationships, radical feminism attempts to make an end run around conventional and classical ethical views of right and wrong. Constructing a theory for the restriction of the rights of prostitutes in terms of oppression, not morality, is simply another creatively conceived method of rejecting prostitution as a valid way of life.

The focus of Barry's writing, which can in some senses be seen as representative of radical feminists, appears to be a heroic intervention on behalf of prostitutes and women in general to save them from violence and degradation. The extensive abuse that Barry cites can be viewed as a statement on the condition of human civilization in which it is clear that humans are not nearly as moral as they believe themselves to be. She cites numerous instances where violence perpetrated by pimps is the rule rather than the exception in prostitution."¹³ Violence and abuse are about immorality. Political dialogue constructed in terms of oppression is a second-order attempt to solve a first-order

problem better resolved in conventional moral terms. Contemporary and classical ethics have built, over centuries of ethical discourse, a fairly stable foundation (or foundations) from which to evaluate self-serving and exploitative behaviors. On the other hand, the social theory of Barry, which assigns the cardinal value of moral discernment to be sexual oppression, does not have a substantial foundation on which to build and integrate well into other areas of credible thinking. Theory that is held to be superior is generally theory that integrates well into a broad spectrum of human experience, scientific fact and other theoretical views. Theory that is narrowly subjective usually has a limited scope of application. In my view Barry's assessment of the moral nature of prostitution falls into this limited category.

There are other reasons for being skeptical of her strong case against prostitution. First is the hasty way in which she develops her ideas and second is the way in which she holds out a pitiful view of the prostitute's life without distinguishing a wide spectrum of experiences relating to prostitution. She frequently moves from premise to conclusion with great rapidity, and employs strong, emotionally laden language to assert the authority of a premise. This kind of reasoning guides one down a selected pathway rather than conveying an understanding of the situation. Appeal, however subtle, to the wretchedness, despair, and abuse of prostitutes can support a theoretical position only so far. Quite a few of Barry's ideas are presented well, but the constant hammering away at oppression eventually paints a portrait of wretchedness and despair afflicting prostitute women without any counterbalancing concepts.

Observations that might include enjoyment of prostitution in repartee with clients, or experience that might show pimps in a different light, are totally absent from her work.

If *The Prostitution of Sexuality* does in fact inspire a sense of pathos for women to make a point, it commits an informal fallacy of logic¹⁴ because the issue becomes clouded with emotions that prevent an objective analysis of the situation. Observing poverty is almost always a situation that evokes emotions. Mixing poverty and prostitution together as one thing may give prostitution a different emotional appeal than if it were analyzed on its own. In an over-populated world, there may simply be situations that leave no other choices to women. The pain and suffering they experience might perhaps be realized with any choice they might make. Many probably enjoy what they do. In spite of the seemingly tragic aura of some of their lives, many prostitutes might be more accurately described as being friendly, warm, and sensitive human beings; not as women whose greatest value is to be pawns in a game of political chess for the empowerment of one political group over another. If the primary cause of predatory practices and trafficking is a function of over-population, educational deficiency, feudal social policy, or fierce social competition for attention at school, wealth, and jobs, the fact that prostitution thrives and subsequently degrades women is beside the point. Feminists are likely blaming the wrong people for the existence of a degradation that is a part of a vicious cycle of degradation that has its sources elsewhere.

The corruption of conscience is endemic to human life without regard to gender. Possessing power demonstrably exacerbates the misuse of it no matter who possesses it. Whether men or women were in the dominant position, the situation might not be much different. The heart of the issue is not to be found in vivid descriptions of oppressions and wrongdoing by this party or that, but rather in the wider context of morality itself. Barry, as well as many other feminist writers, cites a seemingly endless list of human rights violations. Such violations are not new to people dedicated to attempting to lead the "moral life" and commonly experiencing a world in which "morality is always a struggle."¹⁵ Where there is unfairness, there is often immorality at work. Morality attempts to bring reason and fairness to an unreasoning world, but it is a difficult struggle. Ethicists have endured consciousness of many forms of unfairness for centuries, but this is a brand new form of injustice to some feminists. Prostitution should not always bear the brunt of condemnation for abuse or inspiring abuse. The sheer folly of getting involved with people so obviously unscrupulous has to be noted as a contribution to scenarios of abuse. The mean and complex balances of power, greed, dominance and dependency between prostitutes and pimps give rise to abusive interactions, a subject surprisingly undiscussed in Barry's work. In contrast, Priscilla Alexander's essays in *Sex Work* show more awareness of the larger world of prostitution. She utilizes more restraint than Barry does in the matter of leaping from premise to conclusion or in oververbalizing ideas.

Footnotes

1. Robert M. Stuart, ed., *Philosophical Perspectives on Sex and Love* (New York, Oxford, Oxford University Press 1995), p. 74.
2. S.I. Hayakawa, *Language In Thought and Action*, 4th ed. (Harcourt Brace Jovanovich, Inc. 1978).
Oververbalization “If our intentional orientations are serious, therefore, we can manufacture verbally a whole system of values...out of connotations informative and affective...That is to say, once the term is given, we can, by proceeding from connotation to connotation, keep going indefinitely.” p. 251.
3. Gail Pheterson, *The Prostitution Prism* (Amsterdam: Amsterdam University Press, 1996), pp. 30-36.
4. *Language In Thought and Action*, p. 24. Also see the section on the process of abstracting, “...leaping a huge chasm: from the dynamic process...to a relatively static idea...” p. 154.
5. Jody Freeman in *Applications of Feminist Legal Theory to Women’s Lives: Sex, Violence and Reproduction*, D. Kelly Weisberg editor, (Philadelphia: Temple University Press, 1996) says “Radical feminists say that prostitution is not a harmless, “private” transaction but a powerful means of creating, reinforcing, and perpetuating the objectification of women through sexuality.” p. 242.
6. *Ibid.*, 194.
7. Prostitutes are generally described in these writings as being women. They are by far the largest group by gender of all prostitutes. Men and transgenders, of course, are also prostitutes, but the focus here is on women. Some of these nine categories can also be applied to men and transgenders.
8. By flaunting society’s values and behaving immorally, a person believes he or she is getting away with something, but they are not. They become less valuable people. See Robert Nozick, “Philosophical Explanations,” (Belknap Harvard, 1981), p. 409.
9. *Feminist Legal Theory*, p. 248.
10. Kathleen Barry, *The Prostitution of Sexuality* (New York and London: New York University Press, 1995), p. 30. “Distancing can also be thought of as the result of the abuse caring people experience as they withdraw from a society that takes their kindness as a sign of weakness. Distancing may also result because every time a person gets socially intimate he or she has no defenses to keep from being exploited by that closeness.
11. Terri Goodsen coined the phrase in reference to her relationship to prostitution and reasons why she felt some women became prostitutes.
12. Women in the eighth category are described as smart and those in the ninth intelligent. Smart denotes purely optimizing strategies at work in thinking that is self-

serving, while intelligence implies to some degree altruistic and non-optimific thinking. The former are in it for the money, because that is where the money is substantial compared with any other career they might choose. The intelligent women are in it for the money but on a higher level of social integration that includes helping other prostitutes and helping each other overcome political and social obstacles.

13. In one study that appears representative of her view of the pervasiveness of violence, 63% of women in a study said they were horribly beaten by their pimps. (The Prostitution of Sexuality), p. 202. Another study by feminist Catharine MacKinnon in The Problems of Pornography, says that only 7.8% of all women have not been sexually assaulted. The pervasiveness of violence and pimping needs to be examined more closely with better research methods, p. 58.

14. The pathetic fallacy is an informal fallacy in philosophy. If an argument appeals to pity it is considered fallacious. There is a subtle, not exaggerated, sense of this in Barry's descriptions.

15. Paul Tillich.

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Liberal Feminism

In liberal feminism, prostitution is conceived of in the contractarian sense of being a private business transaction. Radical feminists, on the other hand, view a prostitute as a human being who has been reduced to a piece of merchandise. The liberal contends that a woman is free to enter into contracts. However, the radical feminist does not believe that a prostitute's desire to enter into such a "contract" is done of her own free will. The radical feminist usually sees prostitution as an exploitative relationship in which the customer is interested only in the prostitute's services and not her personally. But the liberal responds to this by pointing out that when one seeks out a professional such as a doctor, lawyer, plumber, or mechanic, one is not centrally concerned in the person doing the professional work—only his or her services.²³ Since variations in educational level and experience will define how much freedom a person has to make their own decisions, the radical feminist argument that prostitutes are victims is overstated. The Marxist feminist response to the liberal position is that prostitution represents a corruption of wage labor, and is therefore degrading and oppressive. But Carol Pateman in *The Sexual Contract* goes to some length to show that the prostitute is not really a wage laborer but rather an independent contractor who has it within her means to start or stop a transaction. Her contract is with a male customer and not an employer.²⁴ In this respect, the liberal position's defense of the contractual work agreement makes sense.

Liberal feminists believe that personal "rights" should predominate over concerns for the social good. This political view goes back to the early feminism of John Stuart Mill, who believed that government should stay out of the private affairs of its citizens.²⁵ The oppression liberal feminists identify involves the injustices fostered by gender roles which favor men over women. The liberal feminist wants to free women from oppressive gender roles. This focus bears a

similarity to the existentialist position which seeks equality of rights and freedoms between women and men. But just because liberal feminists tend to see the choice of prostitution as an inherent political right does not necessarily mean that they all approve of prostitution in a moral sense.

While the liberal feminists' view may be "supportive," there are, within the ranks of prostitutes themselves, people who object strongly to the ideals of the liberals. Their ideas tend to value the radical feminist position, not the liberal feminist one. To women in WHISPER (Women Hurt In Systems of Prostitution), harsh experiences in prostitution separate them from liberals. Members of WHISPER are commonly in contact with women who have been terrorized, traumatized, bruised, and beaten in prostitution. This experience leads women to conclude that the liberal position is wrong since it accepts a social system in which women can be exploited and harmed. And, there is little doubt that WHISPER does see the harm that has been done.

WHISPER and COYOTE SF (Call Off Your Old Tired Ethics), are two prostitute organizations that hold widely divergent views on the issue of harm and degradation attributable to their profession. Some of the divergence in experience can be explained in terms of the nine categories of prostitution referred to earlier. In these categories the danger to the individual prostitute varies widely between the first four categories and the last five. Women in WHISPER may not have the same background or political skills those in COYOTE have. In both cases, prostitutes are led by their experiences to believe that prostitution is either very dangerous and degrading, or relatively safe. One would not claim that WHISPER members have not experienced prostitution the way they describe it, nor would one deny that members of COYOTE have experienced prostitution the way they describe it. WHISPER is generally more involved with the experiences of women of color, and very poor white women, many of whom have had fewer educational advantages than COYOTE women. In addition, many of WHISPER's members may have additional hurdles to overcome that are rarely encountered in COYOTE. For those with limited political skills, inspiring spirited cooperation from advocacy agencies²⁶ which only marginally understand

their lives or their culture is a major hurdle. It takes considerable political skill and organization to succeed in obtaining advocacy. The liberal position does not include any safety net for prostitutes who might experience difficulties in prostitution which that same liberal policy towards prostitutes engenders. Liberals sometimes seem to want to “get off the hook” of responsibility for what prostitution does to some women by claiming that they do not promote prostitution, but merely view it as an inherent right of choice.

WHISPER describes prostitution in such terms as “disgusting, abusive, and like rape,”²⁷ sentiments that seem quite the opposite of those expressed in COYOTE.

WHISPER probably represents a much broader view of prostitution, finding its analog among prostitutes in underdeveloped countries where educational levels are lowest and advocacy agencies are few. But COYOTE is a necessary ally for all prostitutes. While members may not have experienced the same harshness and brutality in prostitution that members of WHISPER have, it is within the power of their more politically influential members to gradually influence change in the world towards improving the quality of life of all prostitutes. At the same time, the liberal approach has the capacity to encompass the arguments of WHISPER. Given enough time to understand the complexities of all forms and “levels” of prostitution, they are in a good position to work towards realistic solutions to the problems involved.

Footnotes

23. Applications of Feminist Legal Theory to Women’s Lives, p. 211. The relationship between the public and professionals is that both treat each other for their own ends. The client needs sex and the prostitute needs money. Experienced men and experienced prostitutes sometimes share a rapport

that goes unnoticed by any research.

24. Carole Pateman, *The Sexual Contract* (Stanford, California: Stanford University Press, 1995), p. 202.

25. Applications of Feminist Legal Theory to Women’s Lives, p. 189.

26. Stevi Jackson and Sue Scott, eds., *Feminism and Sexuality: A Reader* (New York: Columbia University Press, 1996), p. 70.

27. Evelina Giobbe in *The Sexual Liberals and the Attack on Feminism.*,

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Socialist Feminism

Socialist feminism appears to adopt some of the same tenets of Marxism, but instead of focusing on economic determinism as the primary source of oppression, the socialist feminist sees the oppression as having psychological and social roots.³² They share a genuine concern for women that transcends politics. Their focus is on people, not profits. To the socialist feminist, the prostitute is a victim of the corruption of a society which accompanies class distinctions. The oppression of class in a materialistic society degrades people by categorizing them in a particular class and objectifying them so that they are merely parts of a mechanism that can be replaced by other parts of the same description. In both the socialist feminist and Marxist feminist perspectives prostitution is discouraged, but neither school of thought seeks a legal remedy for its elimination. They believe that the cause of prostitution is in the structuring of society, and that is where the solution will reside.

Fotnotes

31. Simone de Beauvoir “believed that one of the keys to a woman’s liberation is economic, a point she emphasized in her discussion of the independent woman.” Rosemarie Tong, *Feminist Thought: A Comprehensive Introduction* (Boulder and San Francisco: Westview Press, 1989), p. 211.

32. *Ibid.*, p. 192.

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Existentialist Feminism

Existentialist feminism derives from the school of thought of Simone de Beauvoir. In her world-view, the woman is not always powerless and does not always need to be dependent in a male-female relationship. Prostitution allows women an avenue of escape from dependency on men in a way that does not leave them victims, but empowered women.²⁸ Equality of rights and freedom between the sexes is desirable. However, if they are not forthcoming, prostitution can provide the woman with the kind of liberty that is immediate, affirming, and temporally rewarding. De Beauvoir appears to exalt all women as possessing the capacity to realize their innate power in the sense of the feminine warrior spirit. In the existentialist view, the power of a competent woman over a man is not an illusion. A man may think he is in charge of a situation by virtue of his power to degrade and subdue a woman, but with a woman of competence and spirit this “power” is not incontrovertible. In Carol Pateman’s words directed towards the role of a woman as a prostitute, “The man may think he ‘has’ her, but his sexual possession is an illusion; it is she who has him...she will not be ‘taken,’ since she is being paid.”²⁹ The spirit of entrepreneurship prevails here instead of the darker concerns of Marxism, which views employment as exploitative and oppressive. To her the prostitute is not the fallen and oppressed victim, rather the “quintessential liberated woman.”³⁰ While believing that women are oppressed by an inequality between the sexes, she also believes there is an escape by economic means.³¹ So on the one hand a prostitute is viewed as an oppressed woman, and on the other, a liberated one by way of a successful economic strategy for her own survival.

Footnotes

28. Extrapolations from Applications of Feminist Legal Theory to Women's Lives, p. 191.

29. Jaggar in Applications of Feminist Legal Theory to Women's Lives, p. 191.

30. Ibid., p.191.

31. Simone de Beauvoir "believed that one of the keys to a woman's liberation is economic, a point she emphasized in her discussion of the independent woman." Rosemarie Tong, *Feminist Thought: A Comprehensive Introduction* (Boulder and San Francisco: Westview Press, 1989), p. 211.

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Radical Feminism

To radical feminists, women's oppression is the most fundamental form of oppression.³⁹ It is the model for all other kinds of oppression. A prostitute, in their view, does not act out of free choice but is a victim of coercion in both its most subtle and direct forms. Because oppression is so entrenched in people's thinking, changes in the structuring of society alone are not sufficient to overcome it. The attitudes of men must be changed and a state of equality made manifest in the power dynamic between men and women. As in the case of the socialist feminist and the Marxist feminist, once equality has been achieved and the structuring of society corrected, prostitution as we know it will play a diminished role in society—if one at all. Liberal feminism and radical feminism contrast sharply in certain of their fundamental views. Liberal feminist thinking is a more reasoned, intellectual perspective than the radical feminist position, which has both emotional and political centering in its logical expressions. It has been said of the radical feminists that their tactics and their philosophy are inseparable.⁴⁰ This is understandable, since their focus is on widespread cultural awakening rather than on scholarly debate.⁴¹ Their political vibrancy comes in part from the fact that (1) they are saying something relevant and true about men that can almost universally be appreciated by women, and (2) their logical standards are predicated on politics rather than precise theory and thus they become the be-all and end-all for a diversity of people. While their central logic may be "unrefined" compared to the scholarly approach, it could ultimately command the widest base of political support given certain changes. Radical feminists tend to muddle their ideas, producing concepts that do not make finer distinctions of reality.⁴² The oppression of women by men is assumed to be of the same intensity among all men, yet obviously as Imelda Whelehan has pointed out, "Men have different degrees of access to [the] mechanisms of oppression."⁴³ The distinction between rape and prostitution is obscure; its logic is tied to an abstract theory of degradation distant from representing the actual sense of the word "degradation." Radical feminism focuses on men as oppressors, yet says little about the possibility of the woman being an oppressor of other women or of men.⁴⁴ Radical feminists do not view prostitution as a harmless private transaction. On the contrary, they believe that it reinforces and perpetuates the objectification, subordination, and exploitation of women.⁴⁵ They see men as universally believing myths regarding their own sexuality. Two myths are: (1) that men need more sex than women and (2) that they are genetically the stronger sex and therefore should be dominant in relationships with women. Feminist

writer Alison M. Jaggar describes the radical feminist view as one in which “almost every man/woman encounter has sexual overtones and typically is designed to reinforce the sexual dominance of men.”⁴⁶ To the feminist, a man’s belief that he has no choice other than to respond to his sexual urges, creates a self-validating tautology of belief predicated on the notion that his aggressive behaviors are linked to his inherited traits. The feminist sees otherwise, viewing the source of men’s sexuality as deriving in part from the culture and not exclusively from biology. According to this line of thinking, prostitution and pornography as factors in male experience only exacerbate his self-serving belief in the primacy of his sexuality. His role as the “dominant” sex is reinforced in his mind as something very real, when in fact it is not. In this sense, influences such as prostitution and pornography can be viewed as degrading to all women, as acceptance of these events reinforces and perpetuates a cruel fantasy of women as weak and submissive. D. Kelly Weisberg, in *Application of Feminist Legal Theory to Women’s Lives*, describes this process in the following way: “According to the radical feminist view, men are socialized to have sexual desires and to feel entitled to have those desires met, whereas women are socialized to meet those desires and to internalize accepted definitions of femininity and sexual objectification.”⁴⁷ As men cling to the idea that their sexuality is an absolute expression of their need and dominance, they prevent women from effecting new attitudes, self-realizations, and behaviors.

As discussed earlier, when radical feminists speak of “degradation,” they inappropriately apply the term in ethical statements setting forth right or wrong behavior. What they mainly are talking about is degradation in a social sense and not a moral sense, although they allude to their ideas as morally sound. In a social sense they seem to see degradation as existing over a broad spectrum of society in which everything that men do, from opening doors for women to sexual assault, reinforces their view of men as “dominating.” Discussion, in a social sense, could well do without framing everything in terms of degradation. Such rhetoric obscures their more important premise that specifically addresses the male power dynamic that reinforces and perpetuates itself by ignoring certain biological and cultural facts.

In spite of the fact that radical feminists tend to overemphasize or globalize concepts such as degradation, they appear to more than compensate for it by making several assertions that have high credibility. One of these assertions is that human sexuality derives essentially from culture and not from biology. This idea is reasonable and consistent with contemporary biological theories which emphasize the role of culture rather than genetics in viewing the evolution of human societies. For example, zoologist

Theodosius Dobzhansky would recognize the radical feminist assertion framed in biological and genetic terms. He views culture as an instrument of human adaptation that is virtually inseparable from biology."⁴⁸ Dobzhansky separates biological and cultural theories into three categories: ectogenic, autogenic, and biological."⁴⁹ One interesting thing he brings up is a biological belief called eugenics that was popular in the early part of this century. Eugenics asserts the strategic role of heredity in determining one's class and dominant status in society. He goes on to explain that with the rise of Hitlerism this idea was carried to tragic excess, as expressed by the statement, "The belief in the influence of heredity overreached itself when it was used—as it still is all too often—to justify the continued domination of some particular caste or group."⁵⁰ Surprisingly, this sounds somewhat like the ideological beliefs of some men who view their role in society to be one of dominance over women. Dobzhansky, however, does not take one side or the other in the biological dispute between cultural and biological factors as determinants of behavior. To him the various viewpoints represent credible realities that interact with the environment, creating a cybernetic state in which "...there exists a feedback between biological and cultural processes"⁵¹ to maintain the organic system's equilibrium. Thus, there is a certain degree of support for the radical feminist view that people are not necessarily responding to biological forces that are exclusive of cultural influences.

In the same way that biological knowledge can expand the ground of support for the arguments of feminists, so too can the study of ethics. The exploitation and oppression of human beings is considered to be an immoral act. Once women's oppression is framed in moral terms, it becomes easier to understand that there are other moral influences that can cause and exacerbate oppression. For example, if a man is forced by career interests to manipulate and pressure clients into making decisions that benefit his company, he soon develops habits in which lying and manipulation become part of the job. When he comes home he brings with him habits that can prove detrimental to his marriage. In this light, one must weigh the corrupting effects of prostitution on the degradation of women's lives against many other powerful influences such as the lying and manipulation just mentioned. A climate of immorality is evident everywhere in society, not just in the lives and actions of prostitutes. In a cultural climate where manipulation, half-truths, lying, and cheating are commonplace, people begin to believe that such practices are acceptable. Once they are established as acceptable, more virulent forms of manipulation and exploitation surface, leading to greater forms of social oppression. In this respect, a broader analysis of the radical feminist arguments about the degrading⁵² effects of prostitution must be made within an ethical context.

One place to begin examining the ethical aspect of prostitution is the effect it can have on the tranquillity of a woman's home life.⁵³ This is the balance point in the argument between the radical feminists and prostitutes since "love's delicate balance" is at risk in a marriage if prostitution is easily accessible,⁵⁴ flagrant, predatory, or medically unsafe. Marriage is a highly regarded social institution that has for centuries inspired moral beliefs which encourage and protect it. Relationships which maintain a fine social balance are treasures in all civilizations because they inspire other relationships and contribute to a positive, cooperative, and stable social environment. It is important to recognize that where struggles in a home exist there are at least three factors at work. There is the woman's experience, the man's experience, and illusions in the minds of both that create stress in the heat of conflict. Marriages can be stressful for reasons that emerge not only from the partners themselves but also as a result of influences from outside the marriage. In this respect it has long been a moral view that one should select a mate very carefully. If a woman is attracted to the superficial qualities of a man she may soon discover things about him she does not like. If she is looking for a "trophy" man to show off to the world, or one who can give her status and wealth, then she may be buying trouble later on when her mate's aggressive, domineering nature reveals itself. Under normal stress, things a woman did not initially notice about her husband can be exaggerated out of proportion in her mind. Ethical analysis is needed in feminist discussions of domination because ethics is a more carefully constructed matrix of ideas which provides a more comprehensive description of reasonable human behavior.

There are also non-moral influences that must be incorporated into any theory of oppression. Even though two people may on the surface appear to be a good match, the methods by which they communicate can play an important role in how their marriage breaks down or is reaffirmed. While people may think they know how to communicate, many are very poor at it in relationships. If the method of communication is by way of emotional pressure and manipulation, things can get out of hand when pressures from outside the home make a person irritable and testy.⁵⁵ If emotions get out of hand, and manipulation becomes the basis of communication, a woman can begin to see love's loss working its way into her life as simple and effective communication is obstructed by deceit. The loss a woman feels for the love and cooperation of her husband should not be transferred unreasonably to prostitution. The presence of prostitution in society can be a contributing factor to love's loss. But prostitution should not be used as an "out" for marital unhappiness. A man's need for a prostitute may be only a symptom and not a cause of marital conflict.

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If one is to talk about the functional or moral impropriety of prostitution in relationships then it is appropriate to bring up the issues of good and evil. Thomas Aquinas, who viewed natural law as the source of morality, viewed “right actions” to be those that tend towards the good and away from evil. If love’s delicate balance is at risk, there is certainly a threat of moral degradation of the marriage. Thus, if prostitution intrudes upon love’s delicate relationships, such an intrusion in terms of natural law could be considered an evil. But, as indicated before, the potentially destructive influence of prostitution is minor compared to the many other forces at work in the shaping or testing of a marriage.

Moral degradation is a slow process. It grows out of practices that people learn while trying to survive and get ahead in the world. When competitions become fierce, some people discover the benefits of reducing those around them to mere objects. Once others are reduced to objects, the morally degraded person feels less pain and guilt in exploiting people. Lying becomes easier and its benefits fruitful. This callous way of looking at the world can also work its way into a marriage and transform it from a relationship based on cooperative love to one of exploitation. Once the marriage has been reduced to a convenience, the husband may seek more exciting experiences outside the home. Where there is conflict there may be the desire to escape. The search for more exotic places and experiences can arise from conflict or from boredom. One motive married men may have for seeking out a prostitute is to experience exotic sex. In this role, the prostitute can be seen as a married woman’s natural competitor.⁵⁶ Again, the man’s desire to seek out the exotic in a prostitute-client relationship is only symptomatic of a marriage that has already lost its allure.

Radicals believe that when equality is achieved between the sexes there will be no prostitution. This is probably true in the sense that if harmony prevailed among all couples, seeking outside sex might not be considered, or would be understood if it did occur. But many moralists have noticed there is not a lot of love in a world that is preoccupied with pleasures and material things. Christian moralists have stressed time and again the importance of love prevailing in a relationship. A loving relationship is far more effective at thwarting oppressive conditions than one that is based on convenience. The presence of prostitution, therefore, only mirrors the immoral nature of the contemporary society.

From the beginning, radical feminists have shown a weak understanding of the nature of prostitution and of the personal lives of prostitutes themselves. A prostitute is not necessarily a home-wrecker in the way non-prostitute women in extramarital affairs might be considered. The intimate

nature of the prostitute-client relationship is much more complex than it first appears. Whether women are affluent call girls or street girls with few resources, clients sometimes find prostitutes' company comforting and therapeutic. At times, the only thing a client is looking for is simple warmth and human contact, even though he might initially define that need as sex. Time spent with a person who listens can be comforting and emotionally beneficial to one person in the same way that seeking out a professional psychologist might be reassuring to another. The belief that the prostitute-client relationship is always mercenary, cold, and mechanical simply is not always true. Men experienced with prostitutes have sometimes found that showing their humanity and concern for the prostitute sometimes makes the potentially awkward encounter more enjoyable for both.

A prostitute can therefore be viewed either as a genuine threat to the peace and tranquillity of a loving relationship or conversely as an ally in that relationship, smoothing out unresolved tensions and misunderstandings. This sometimes therapeutic relationship does not threaten the marriage in the same way an extramarital affair does. As prostitution becomes more highly regarded as a profession, the benefits of prostitution will be more broadly understood and appreciated. Feminists should take more care in forming beliefs about prostitutes. Information and reflection on prostitution, then, has the potential for a humane, affirmative approach to this myth-laden institution.

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39. *Feminist Thought*, p. 71.

40. "Radical feminist writings are consciously deemed inseparable from group tactics, rather than as a discrete contribution to an abstract philosophical position." Imelda Whelehan, *Modern Feminist Thought* (Washington Square, New York: New York University Press, 1995), p. 73.

41. *Ibid.*, p. 86.

42. "Radicals appear to pride themselves on being notoriously difficult to define, and this is in part an effect of their commitment to denying that one voice can speak for the many." *Modern Feminist Thought*, p. 70. Remaining obscure also has the added advantage of wearing down one's opponents as the logic is intentionally diffuse and difficult to understand. Some radical feminists are difficult to understand because they use specific words inappropriately. The degrading and oppressive nature of rape is not the same as willingly entering into a contract to have sex with someone for money. Theoretically they make a case that it is, but it is a weak one.

43. *Modern Feminist Thought*, p. 80.

44. Women are also exploiters of other women. Human passions and greeds are not endemic to one sex or the other. If a woman of questionable morality wants something badly enough she is likely to exploit any easy source that can satisfy her desire, whether it is a man or a woman.

45. "Prostitution is not a harmless "private" transaction but a powerful means of creating, reinforcing, and perpetuating the objectification of women through sexuality." Applications of Feminist Legal Theory to Women's Lives, p. 242.
46. Alison M. Jaggar in The Philosophy of Sex, p. 270.
47. Applications of Feminist Legal Theory to Women's Lives, p. 194.
48. Ibid. p. 20. Also, "Genetic or social change may also result from interplay between an organism or a culture on the one hand and the environment on the other." Mankind Evolving, p. 15. "Culture is, however, an important instrument of adaptation which is vastly more efficient than the biological processes that led to its inception and advancement." Mankind Evolving, p. 20.
49. Mankind Evolving, p. 15.
50. F. Osborn in Mankind Evolving, p. 13.
51. Ibid., p. 18.
52. Once the word "degrading" is used properly in a moral context it has more meaning and relevance to feminist arguments.
53. Modern Feminist Thought, The home is the crucial site of a woman's oppression, p. 80.
54. Easily accessible through mainstream publications and by broadcasts where most men would see advertisements for prostitutes.
55. Men also exploit other men in mean and insensitive ways. The competitions can be fierce and underhanded, leaving a man returning to the home sensitized to the slightest annoyance. Emotions that would not ordinarily get out of hand in the home may have been inspired by conflicts with other men in the workplace.
56. The prostitute might be viewed as a married woman's natural competitor. If conditions in society unfairly thrust some people to the bottom where their only recourse to survive is to sell themselves, then the malefactions of society produce prostitutes who turn out to be extremely successful competitors with married women in gaining the attention and resources of men. The exploitation and greed that cause some types of prostitution is a reflection of a general climate of immorality that prevails in the world, causing people in all walks of life to exploit one another. Some humans simply cannot compete, nor are they perhaps aware of the intensity of civil strife that ultimately determines a person's rank and occupation in society. Some women will always have a predilection for sexual activity for hire. Those that do so for political and economic reasons will continue to do so until the moral climate of the society improves, granting every citizen a full and fair chance to compete for jobs and educational opportunities. The radical feminist feels threatened by the prostitute for ostensibly political reasons. But the fact remains, the prostitute is willing to do what so many married women may be unable to, and that is perform exotic sex.
57. The concept of personal and social degradation is an extremely complex subject. Degenerative behavior requires closer consideration than it is given here and is better described in a larger writing. While lending some consideration to the radical feminists' position, in any analysis of social degradation, one must also take into account the degrading effect dividing men against women for the benefit of some political viewpoint. Degradation can be immediate, or a slowly evolving process. It can be viewed as a personal problem, or a social one. For example, on a personal level, a virtuous woman is not degraded by the presence of immoral women. If anything, the circumstance complements the virtuous woman because those around her behave in a less sophisticated way. However, she can be afflicted in a variable way by the presence of immorality in her life, but not degraded. On a social level, it could be said that while the presence of any degrading actions is undesirable, its effects address men and women equally by keeping civilization operating on a lower evolutionary plane.

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Marxist Feminism

Marxist feminism arises out of the doctrines of Karl Marx, whose theory is centered less on the material aspects of life than on the more broadly defined social ones. Simone Weil in *Oppression and Liberty* describes Marxism as being a theory quite incomplete insofar as its application is concerned, yet very relevant in describing the mechanisms of economic growth. Central to Marxism is the idea of the divisions of labor, which are familiarly evident in the capitalist system. Marxist feminists base their arguments of moral right and wrong in reference to the corruption of wage labor that is in itself an expression of class distinctions.³³ “Wage earning is a form of oppression, that the workers are inevitably enslaved under a system of production where, deprived of knowledge and skill, they are reduced practically to nothing.”³⁴ Following this doctrine, Marxists are opposed to any social or political action that perpetuates the enslavement and oppression of members of the work force. Prostitution is a form of labor and therefore has been specifically noted as falling under the designation of a corruption of wage labor. Marx himself asserted that “prostitution is only a specific expression of the general prostitution of the laborer.”³⁵ Prostitution, therefore, can be seen as standing as a symbol of all that is wrong with world policies in society. Prostitutes may feel that they are free, but looking at the larger economic picture in Marxist terms, they are in reality oppressed workers

reinforcing and perpetuating an exploitative capitalistic scheme. However, Pateman in *The Sexual Contract* sees prostitutes otherwise, pointing out that they are not wage laborers, but rather independent contractors. In her thinking, "The objection that the prostitute is harmed or degraded by her trade misunderstands the nature of what is traded. The body and the self of the prostitute are not offered in the market; she can contract out use of her services without detriment to herself."³⁶ Moreover, philosopher Robert Nozick believes that peoples' rights predominate over concerns for what harm may come to them. He believes that a person has the right to sell himself or herself into slavery if that is his or her decision.³⁷

What appears to have gone unnoticed in Marxism, Marxist feminism, and radical feminism is that there is the perception that in the capitalist system there is a stripping away of the spiritual qualities of life as a person is reduced to being a mere cog in a machine.³⁸ There is a tendency in some feminist writings to discuss the relationship between feminism and prostitution in much the same terms, thus stripping away the transcendent and spiritual qualities of prostitutes and leaving only a mechanistic view of prostitutes within prostitution.

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33. Class distinctions are what Marx objects to in his complex theory of economic determinism. But without such divisions of labor, productivity would be low and the quality of life diminished, except perhaps in small island nations in warm climates where the struggles of day to day survival might be less than in the colder regions. "Among all the forms of social

organization which history has to show, there are very few which appear to be really free from oppression; and those few are not very well known. All of them correspond to extremely low level of production, so low that the division of labor is pretty well unknown, except between the sexes, and each family produces little more than its own requirements." Simone Weil, *Oppression and Liberty* (Amherst: University of Massachusetts Press, 1955), pp. 61-62.

34. *Ibid.*, p.161.

35. *The Sexual Contract*, p. 201.

36. *Ibid.*, p. 191.

37. Robert Nozick, in an article by Alison M. Jaggar, in *The Philosophy of Sex*, p. 264.

38. In *Oppression and Liberty*, Weil speaking of Marx, "In the factory," he writes in *Capital*, "there exists a mechanism independent of the workers, which incorporates them as living cogs...The separation of the spiritual forces that play a part in production from manual labor," p.41.

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Moral Considerations

Radical feminism is linked to morality because feminists assert that prostitution is “wrong.” The field of ethics is a formal discipline in which rightness and wrongness are analyzed, and this is where the matter of prostitution should be analyzed and discussed. In both the case of the radical feminist and the conventional morality, prostitution is deemed inappropriate behavior. However, the moral nature of prostitution does not traditionally derive from the belief that it degrades other women. The nearest analog in ethics to the degradation that feminists identify is the view that certain behaviors are generative and others degenerative and that the latter therefore should be discouraged and avoided.

Shifting the ethical center of sexual morality, from contemporary and classical ethical theory toward a new morality in which moral right and wrong is ultimately a function of male domination, would not logically hold. If male domination becomes the underpinning of morality, all systems of moral theory then must be explicable in consistent terms with this new moral

centering in which male domination and the thirst for sexual power is central. Marxism seems to have this same theoretical weakness as it attempts to explain the human system in terms of economic considerations. Activists are often slow to realize the limitations of this theoretical approach. They persist in the belief that this approach is a viable explanation of human action. Good theory can be defined as made up of propositions that integrate best in the widest spectrum of theory, observation and human experience. Narrow theory focusing on special interests may have minimal applicability to other reasoning systems. Describing human action in terms of exploitation and oppression is useful but it has limitations. Biological explanations yield far more consistent and interesting ideas of underlying forces that govern human behavior.

As previously mentioned, the fact that prostitution is considered morally wrong derives in part from moral sentiments that view certain behaviors as degenerative and others as generative. Persons involved in prostitution must look critically at what they are doing in terms of generative or degenerative behavior. If prostitution is causing a

degeneration of values and attitudes, moral concern might be valid. If it is a positive circumstance leading to personal growth, as a general rule, other people ought to focus their attentions on other aspects of potentially degenerative behavior in society. For instance, the consumption of wine at social gatherings seems fairly generative up to a certain point. When consumption becomes frequent and obsessive it can inspire a series of degenerative changes in behavior that can totally change the person. Alcohol addiction changes a person's behavior radically. For some people the consumption of alcohol is a degenerative activity.

If prostitution is not regulated, degenerative behaviors can evolve. Prostitutes want rights and the freedom to practice their trade. But there must be a recognition that problems can arise from this sort of activity. Making prostitution a truly professional occupation will help keep prostitutes on a generative course of personal evolution. To the extent that prostitutes are willing to regulate themselves, as other professionals do, society might be inclined to a greater acceptance of sex workers. This potential relationship is later explored in a theory of social assimilation.

There is an underlying

assumption in conventional morality that involvement in prostitution will “necessarily” have degenerative effects on a person leading her to other criminal activities. This is untrue and is a strong point in favor of prostitutes. Even given their exposure to the criminal environment that the street and drugs present, it cannot be demonstrated that they descend into deeper and deeper forms of crime.¹⁶ Prostitution is not a profound condition of degeneracy and in many instances it may be a self-regarding expression of a person surviving in the best way given their skills and opportunities. Society to some extent has overlooked any semblance of a moral aspect of prostitution. The corrupting effects of involvement in prostitution differ from involvement in lying, cheating, and stealing. If anything, prostitution is actually a mild form of degeneracy. True degeneracy feeds on itself. Lying begets an enthusiasm for lying and whets the appetites of the devious to make fools of naive people. Lying “feels good” particularly when it makes a person feel superior and enriches him or her as well. This close relationship between an act of lying and the immediate gratification of feeling power can pull a person deeper and deeper into certain kinds of activities. The driving force in many forms

of prostitution is probably closer to survival rather than to an activity to enhance one's ego. Moral degeneration, in the normal sense, seems to be held in check by some other influence. The explanation for prostitutes' lack of complicity in a wide array of crimes would make an interesting study.

Footnotes

16. Call girls, in my opinion, show less of an affinity for involvement in drugs than street girls, while street girls (84%-100%) have at one time or another used heroin. (See *Sex Work*, p. 202; "life is so hard and painful that it is understandable why they descend deeper into drugs.") Despite the use of drugs, they are not cons, and do not inordinately get involved in an increasing array of scams.

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Theoretical View of the Degrading Nature of Prostitution

Radical feminism opposes prostitution ostensibly because it degrades all women. There are at least three approaches to viewing degradation. First, when radical feminists talk about degradation, they are discussing it in terms of an activity that affirms and sustains the male power dynamic, which in turn dominates and oppresses non-prostitute women as well. Second, feminists are sometimes speaking of degradation in Marxist terms where "Prostitution, like wage labor, degrades the actor."¹⁷ Third, if a woman behaves in a manner that fits the stereotype of what men commonly perceive as a whore, she is degraded by that association. Certain actions and style of dress lead people to certain other expectations about what that person is saying about themselves. The idea of degradation, therefore, derives from not being fully aware of how one is perceived in the world by association with certain behaviors.

In the first instance, the idea of sexual empowerment asserts the notion that the

value of equality between the sexes is the cardinal value in a hierarchy of values that guide human evolution and human behavior. But competing with this view is the likely fact that survival of the individual, and the species as a whole, is the cardinal value in a hierarchy of values that profoundly affect human behavior and determine the context of morality. As the human species has evolved, raw survival is no longer the primary issue. At this point, in order for civilization to grow and remain secure, it must theoretically acknowledge both genders as equals. Without this recognition, society will be deprived of an essential social spirit and fair play sufficient for the evolution of a better world. The survival of a culture can also be viewed in terms of a function of harmony producing the greatest social gains and economic efficiency. But oppression as an issue does not replace the fundamental importance of survival as the cardinal value that ultimately determines the evolution or extinction of humankind. In the second instance, there is a Marxist perspective that tends to seep into feminist thinking, promoting the idea that even ordinary wage labor is degrading. In Barry's

writing it is unclear as to how much of her conceptualization is grounded in Marxism. The application of Marxism to political process never demonstrated itself as a viable approach to the governance of people, so why apply it to prostitution in this case?

Third, prostitutes and their clients also have a world view about the degrading nature of prostitution. Exploiting sexuality is not uncommon, and it is not always men who are exploitative. Men could probably cite numerous instances of exploitation by women who have used their sexual prowess to exploit them for favors, money, or promotions. In a very abstract way, it could be said, the power of human sexuality—which is the source of its perpetuation—is the power of the species, and in this light anyone caught in its power can be vulnerable to making immature and unwise judgments that result in the corruption of the conscience. Barry's arguments focus only on sexual power operating at the social level, not at the genetic or biological level of action. If the cause of what she observes is biological or genetic, how can she hope to resolve the issue without addressing principles of biology?¹⁸ If Theodosius

Dobzhansky is correct, culture is an “instrument of (biological) adaption.”¹⁹ Biological survival is a systemic process that appears to extend itself into the governing principles of societies it ultimately creates. The precise reasons why men oppress or appear to oppress, therefore, likely address higher considerations of adaptation and survival found in biology.

Footnotes

17. Applications of Feminist Legal Theory To Women’s Lives, p. 192.

18. In The Prostitution of Sexuality, Morris Berman is credited with pointing out “that cultural history is embedded in our bodies,” p. 346 This likely is a reference to genetics, thus the entire problem of oppression is likely to be governed by factors existing on a larger scale.

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Barry's discussions of degradation may proceed more from an idea in the mind than from realities of human behavior. Prostitution, in her view, is a form of moral corruption because it degrades women. A person who is a prostitute is generally viewed as a person of low social stature. Society encourages certain forms of behavior and discourages other forms through stigmatization. In a sense, the discouraging of the selling of sex reflects a value citing some behaviors are better than others. If a woman conducts herself in a way that goes against commonly held values, there is a cost. The costs will vary depending on mitigating factors defining an individual's personality. The cost for prostitutes is that they are relegated to a lower social status. Defining right and wrong in terms of how the society will view a person's status is a powerful motivating factor that naturally guides many away from activities not sanctioned by society. Because each individual case is different, and some prostitutes come from impoverished backgrounds, the power of the stigma to degrade them varies. While social image may be important to more culturally "refined" women, it may be less important to poor women, despite the elements of civility that potentially can be corrupted in either case.

Philosopher Robert Nozick sees values emerging in society as a function of that society's organic unity. Value is not simply some cold mechanistic prescription set down by a bureaucratic government, it is the product of shared "valuable characteristics" of each person that ultimately create the notion of morality.²⁰ When a woman or a man of mainstream character abides by most of the values of society, they benefit by a certain level of society's responsiveness to their needs. Accommodating the cultural values benefits people by providing them with the means of networking resources and ideas with other people to more effectively get what they want. When there is conformity to certain held values, everyone in the social pool benefits and no person is degraded. In the higher value system, prostitution is already given to be an activity that runs counter to important cultural values. As long as a woman does not appear to be complicit in prostitution, no one questions

her integrity. Her integrity is a reflection of how closely she holds to the predominant value system. When she slips and begins running counter to these values, her integrity suffers, and she is degraded in the eyes of her community. She is no longer predictable as before and so is pushed more and more to the fringes of the mainstream value system.

Most human beings exploit their sexuality to some degree or another. Individuals have self-regarding obligations, within certain logical constraints, to promote their own interests and build safe and secure futures. It is not uncommon or immoral to any significant degree for a person to try to garner attention or extract simple favors by using their sexuality. There is, however, a line reached when exploiting one's sexuality in exchange for the favors it produces crosses over into the domain of activity that would be more accurately defined as prostitution. This is exploitative sex, a form of emotional violence against another person because he or she is led to false expectations by the enticement of sex. A prostitute may entice, but will usually be straightforward about what is expected in return. Prostitution in this sense bears a sense of virtuousness because it is not involved in exploitative mind games that can harm another person emotionally.

If a woman benefits by adhering to high cultural values, she is expected in return to uphold those values wherever and whenever she can. If she crosses the line and begins to act like a prostitute, men may begin to deem her one. While she would vigorously deny being a prostitute, her actions might suggest that she is behaving in a way that fits the objectified view of a woman as a prostitute. Many men would perhaps not be inclined to look at a woman in a degrading way if she were in keeping with the held cultural values.²¹ Values discourage prostitution and even the appearance of prostitution. If a woman behaves in a way that discernibly fits the pattern of a prostitute, men perhaps take the perception to be true and in some instances follow through with aggressive harassment to establish a relationship with an obviously sexually available female. If she is doing nothing approaching sexual indiscretion, not giving off objectively definable cues suggesting availability, there is no way that a woman can be degraded by the fact that some people do practice prostitution.

Pornography and prostitution establish a stereotype for what constitutes a sexually receptive situation. The means by which the stereotype is established is by way of objectifying sexually available women and transforming the results into an erotic presentation of the female for male enjoyment. When you objectify a situation or behavior you break it down into discernible parts. These parts describe the smallest details of what defines a pornographic situation or what defines a prostitute. If none of the

behaviors of an ordinary woman fit any of these descriptions, there is no possible way the presence of prostitution should be able to harm her dignity. A woman behaving in a reasonable and conservative way, being careful not to elicit any ambiguous cues in her actions, is often described as a virtuous woman.²² Her integrity and dignity are a function of adhering to held social values. The argument that all women are degraded by prostitution, therefore, is a somewhat overstated assumption of the deleterious effects of sex work on the dignity of all women.

The idea of virtue can be extended to men as well. Sexual knowledge provides one with a degree of personal power that can be used for good or bad ends. Using sex as a tool of exploitation invariably institutes a game-state in which both men and women lose an element of their former purity. Barry tends to emphasize the misuse of this power at the hands of men, but common sense and ordinary experience suggest women can be exploitative as well. A fierce game between sexual players, each seeking to maximize his or her gains over the other, can easily lead to the moral degradation of both. In this perspective the idea of prostitutes degrading women is an issue that extends to what non-prostitute men and women do in their private sexual lives.

Footnotes

20. Robert Nozick, *Philosophical Explanations* (Cambridge, Massachusetts: The Belknap Press of Harvard University, 1981), p. 470.

21. Values in the broad category include marriage, having children, working for a living honestly, and so forth. There is an array of other values more narrowly delineated. Virtue and chastity are values associated with sexual activity. When a person begins to experience sexuality, the inherent power of sexuality to entice, manipulate, and play with other people's emotions becomes evident. There is so much power implied in sexuality that the immature usage of it is inevitable. Thus, the lack of chasteness also can imply the game-state that arises when a person cannot deal adequately with the power of sexuality. Sex in this condition degrades, from its higher purpose for mating, having a family, or raising the spirits of humanity by imbuing courtship with a sense of romance, into self-serving expressions of ego-fulfillment.

22. In this respect, a prostitute being conservative with men in her private but not professional life, could be considered a sexually virtuous woman given conformity to other virtuous characteristics. Although this appears contradictory, one must remember that the idea of temple prostitution was never construed as a desecration of spirit. Virtue is given an "extensional" characteristic here that gives it first-order qualities (the absence of a game-state) over the more "intensionally" defined words virtue, purity, and chastity, which are not as specific. This is important to note if the argument is to object to women being objectified on such a high pedestal of virtue. Virtue knows no gender. What applies to women applies to men equally.

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In summary, the active logical component that degrades women here is not to be found in the word prostitution. The logical component that degrades is to be found in individual actions that go against strongly held cultural values. In other words, prostitution does not degrade people, people degrade themselves by falling into objectifiably discernible patterns of behavior. The word prostitution implies the more passive component, while the “going against values” is the more active component. In general, prostitution is a result of an action or description of an action that alters a person’s social standing with regard to cultural values. In subsequent writings, when the idea of degradation is extended to pornography, there is an implied degradation of the civility of men to control their impulses rather than a degradation of women in general. While this would seem applicable to the presence of prostitutes in society, the issues are quite different. There are counterbalancing forces in prostitution that can limit destructive effects on the civility of men that may not be evident with pornography.

Radical feminists’ views on prostitution are thoughtful but not always delineated well enough to firm up a credible social theory that prostitution is wrong because it degrades women. The argument that prostitution is degrading is a view that is part of a larger ethical view of human behavior that finds some actions generative and others degenerative.⁵⁷ There are many other competing degenerative behaviors to be considered in the larger picture of human affairs. Radical feminists have contributions to make to the discussion of prostitution, but their frequent narrowness of perspective, presented as global truth, leaves much to be desired in examining prostitution as a complex issue.

The goal of feminism can be seen as an attempt to improve the quality of women’s lives by promoting a world in which they can thrive equally with men. Feminists have explored many facets of the problem and

have come to divergent opinions on how to achieve such a goal. It is difficult to understand why some feminists feel the presence of prostitutes in society is so threatening. What they want, and what most of us want, is a better world and a society that is morally, socially, and intellectually viable.

Prostitutes have been singled out and scorned for thousands of years. It seems almost to be a wired-in reaction of religion and politics to attack the weakest and most disenfranchised as symbols of the problems of society. Our society is a fiercely competitive one in which unfairness and exploitation are rife, thrusting some to the bottom where their only avenue to survival is to become prostitutes. Upon finding an occupation in which they finally can view themselves as successful competitors, prostitutes are often attacked by feminists as perpetrators of the degradation of all women. It is amazing how creative societies are at coming up with new varieties of the same old complaints that view prostitutes with scorn. But having already endured centuries of exploitation, abuse, murder, and slavery for what they do, there is not much prostitutes have to worry about from feminists. The intentions of feminists are essentially benign. They make a compelling argument that the problem of oppression by men is every woman's problem. In this respect it is incumbent upon prostitutes to become aware of the problems that women are trying to work out with men. If prostitutes show some interest in the issues of feminism, feminists may become more familiar with prostitutes' lives in such a way that there may be a mutually beneficial influence in understanding the issue of prostitution.

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Footnotes

1. Robert M. Stuart, ed., *Philosophical Perspectives on Sex and Love* (New York, Oxford, Oxford University Press 1995), p. 74.
2. S.I. Hayakawa, *Language In Thought and Action*, 4th ed. (Harcourt Brace Jovanovich, Inc. 1978). Oververbalization “If our intentional orientations are serious, therefore, we can manufacture verbally a whole system of values...out of connotations informative and affective...That is to say, once the term is given, we can, by proceeding from connotation to connotation, keep going indefinitely.” p. 251.
3. Gail Pheterson, *The Prostitution Prism* (Amsterdam: Amsterdam University Press, 1996), pp. 30-36.
4. *Language In Thought and Action*, p. 24. Also see the section on the process of abstracting, “...leaping a huge chasm: from the dynamic process... to a relatively static idea...” p. 154.
5. Jody Freeman in *Applications of Feminist Legal Theory to Women’s Lives: Sex, Violence and Reproduction*, D. Kelly Weisberg editor, (Philadelphia: Temple University Press, 1996) says “Radical feminists say that prostitution is not a harmless, “private” transaction but a powerful means of creating, reinforcing, and perpetuating the objectification of women through sexuality.” p. 242.
6. *Ibid.*, 194.
7. Prostitutes are generally described in these writings as being women. They are by far the largest group by gender of all prostitutes. Men and transgenders, of course, are also prostitutes, but the focus here is on women. Some of these nine categories can also be applied to men and transgenders.
8. By flaunting society’s values and behaving immorally, a person believes he or she is getting away with something, but they are not. They become less valuable people. See Robert Nozick, “Philosophical Explanations,” (Belknap Harvard, 1981), p. 409.
9. *Feminist Legal Theory*, p. 248.
10. Kathleen Barry, *The Prostitution of Sexuality* (New York and London: New York University Press, 1995), p. 30. “Distancing can also be thought of as the result of the abuse caring people experience as they withdraw from a society that takes their kindness as a sign of weakness. Distancing may also result because every time a person gets socially intimate he or she has no defenses to keep from being exploited by that closeness.

11. Terri Goodsen coined the phrase in reference to her relationship to prostitution and reasons why she felt some women became prostitutes.
12. Women in the eighth category are described as smart and those in the ninth intelligent. Smart denotes purely optimizing strategies at work in thinking that is self-serving, while intelligence implies to some degree altruistic and non-optimific thinking. The former are in it for the money, because that is where the money is substantial compared with any other career they might choose. The intelligent women are in it for the money but on a higher level of social integration that includes helping other prostitutes and helping each other overcome political and social obstacles.
13. In one study that appears representative of her view of the pervasiveness of violence, 63% of women in a study said they were horribly beaten by their pimps. (*The Prostitution of Sexuality*), p. 202. Another study by feminist Catharine MacKinnon in *The Problems of Pornography*, says that only 7.8% of all women have not been sexually assaulted. The pervasiveness of violence and pimping needs to be examined more closely with better research methods, p. 58.
14. The pathetic fallacy is an informal fallacy in philosophy. If an argument appeals to pity it is considered fallacious. There is a subtle, not exaggerated, sense of this in Barry's descriptions.
15. Paul Tillich.
16. Call girls, in my opinion, show less of an affinity for involvement in drugs than street girls, while street girls (84%-100%) have at one time or another used heroin. (See *Sex Work*, p. 202; "life is so hard and painful that it is understandable why they descend deeper into drugs.") Despite the use of drugs, they are not cons, and do not inordinately get involved in an increasing array of scams.
17. *Applications of Feminist Legal Theory To Women's Lives*, p. 192.
18. In *The Prostitution of Sexuality*, Morris Berman is credited with pointing out "that cultural history is embedded in our bodies," p. 346 This likely is a reference to genetics, thus the entire problem of oppression is likely to be governed by factors existing on a larger scale.
19. Theodosius Dobzhansky, *Mankind Evolving* (New Haven and London: Yale University Press, 1962), p. 20.
20. Robert Nozick, *Philosophical Explanations* (Cambridge, Massachusetts: The Belknap Press of Harvard University, 1981), p. 470.
21. Values in the broad category include marriage, having children, working for a living honestly, and so forth. There is an array of other values more narrowly delineated. Virtue and chastity are values associated with sexual activity. When a person begins to experience sexuality, the inherent power of sexuality to entice, manipulate, and play with other people's emotions becomes evident. There is so much power implied in sexuality that the immature usage of it is inevitable. Thus, the lack of chasteness also can

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23. Applications of Feminist Legal Theory to Women’s Lives, p. 211. The relationship between the public and professionals is that both treat each other for their own ends. The client needs sex and the prostitute needs money. Experienced men and experienced prostitutes sometimes share a rapport

that goes unnoticed by any research.

24. Carole Pateman, *The Sexual Contract* (Stanford, California: Stanford University Press, 1995), p. 202.

25. Applications of Feminist Legal Theory to Women’s Lives, p. 189.

26. Stevi Jackson and Sue Scott, eds., *Feminism and Sexuality: A Reader* (New York: Columbia University Press, 1996), p. 70.

27. Evelina Giobbe in *The Sexual Liberals and the Attack on Feminism.*, Dorchen Leidholdt and Janice G. Raymond eds. (New York and London: Teachers College Press), p. 68.

28. Extrapolations from Applications of Feminist Legal Theory to Women’s Lives, p. 191.

29. Jaggart in Applications of Feminist Legal Theory to Women’s Lives, p. 191.

30. Ibid., p.191.

31. Simone de Beauvoir “believed that one of the keys to a woman’s liberation is economic, a point she emphasized in her discussion of the independent woman.” Rosemarie Tong, *Feminist Thought: A Comprehensive Introduction* (Boulder and San Francisco: Westview Press, 1989), p. 211.

32. Ibid., p. 192.

33. Class distinctions are what Marx objects to in his complex theory of economic determinism. But without such divisions of labor, productivity

would be low and the quality of life diminished, except perhaps in small island nations in warm climates where the struggles of day to day survival might be less than in the colder regions. "Among all the forms of social organization which history has to show, there are very few which appear to be really free from oppression; and those few are not very well known. All of them correspond to extremely low level of production, so low that the division of labor is pretty well unknown, except between the sexes, and each family produces little more than its own requirements." Simone Weil, *Oppression and Liberty* (Amherst: University of Massachusetts Press, 1955), pp. 61-62.

34. *Ibid.*, p.161.

35. *The Sexual Contract*, p. 201.

36. *Ibid.*, p. 191.

37. Robert Nozick, in an article by Alison M. Jaggar, in *The Philosophy of Sex*, p. 264.

38. In *Oppression and Liberty*, Weil speaking of Marx, "In the factory," he writes in *Capital*, "there exists a mechanism independent of the workers, which incorporates them as living cogs...The separation of the spiritual forces that play a part in production from manual labor," p.41.

39. *Feminist Thought*, p. 71.

40. "Radical feminist writings are consciously deemed inseparable from group tactics, rather than as a discrete contribution to an abstract philosophical position." Imelda Whelehan, *Modern Feminist Thought* (Washington Square, New York: New York University Press, 1995), p. 73.

41. *Ibid.*, p. 86.

42. "Radicals appear to pride themselves on being notoriously difficult to define, and this is in part an effect of their commitment to denying that one voice can speak for the many." *Modern Feminist Thought*, p. 70. Remaining obscure also has the added advantage of wearing down one's opponents as the logic is intentionally diffuse and difficult to understand. Some radical feminists are difficult to understand because they use specific words inappropriately. The degrading and oppressive nature of rape is not the same as willingly entering into a contract to have sex with someone for money. Theoretically they make a case that it is, but it is a weak one.

43. *Modern Feminist Thought*, p. 80.

44. Women are also exploiters of other women. Human passions and greeds are not endemic to one sex or the other. If a woman of questionable morality wants something badly enough she is likely to exploit any easy source that can satisfy her desire, whether it is a man or a woman.

45. "Prostitution is not a harmless "private" transaction but a powerful means of creating, reinforcing, and perpetuating the objectification of women through sexuality." *Applications of Feminist Legal Theory to Women's Lives*, p. 242.

46. Alison M. Jaggar in *The Philosophy of Sex*, p. 270.
47. *Applications of Feminist Legal Theory to Women's Lives*, p. 194.
48. *Ibid.* p. 20. Also, "Genetic or social change may also result from interplay between an organism or a culture on the one hand and the environment on the other." *Mankind Evolving*, p. 15. "Culture is, however, an important instrument of adaptation which is vastly more efficient than the biological processes that led to its inception and advancement." *Mankind Evolving*, p. 20.
49. *Mankind Evolving*, p. 15.
50. F. Osborn in *Mankind Evolving*, p. 13.
51. *Ibid.*, p. 18.
52. Once the word "degrading" is used properly in a moral context it has more meaning and relevance to feminist arguments.
53. *Modern Feminist Thought*, The home is the crucial site of a woman's oppression, p. 80.
54. Easily accessible through mainstream publications and by broadcasts where most men would see advertisements for prostitutes.
55. Men also exploit other men in mean and insensitive ways. The competitions can be fierce and underhanded, leaving a man returning to the home sensitized to the slightest annoyance. Emotions that would not ordinarily get out of hand in the home may have been inspired by conflicts with other men in the workplace.
56. The prostitute might be viewed as a married woman's natural competitor. If conditions in society unfairly thrust some people to the bottom where their only recourse to survive is to sell themselves, then the malefactions of society produce prostitutes who turn out to be extremely successful competitors with married women in gaining the attention and resources of men. The exploitation and greed that cause some types of prostitution is a reflection of a general climate of immorality that prevails in the world, causing people in all walks of life to exploit one another. Some humans simply cannot compete, nor are they perhaps aware of the intensity of civil strife that ultimately determines a person's rank and occupation in society. Some women will always have a predilection for sexual activity for hire. Those that do so for political and economic reasons will continue to do so until the moral climate of the society improves, granting every citizen a full and fair chance to compete for jobs and educational opportunities. The radical feminist feels threatened by the prostitute for ostensibly political reasons. But the fact remains, the prostitute is willing to do what so many married women may be unable to, and that is perform exotic sex.
57. The concept of personal and social degradation is an extremely complex subject. Degenerative behavior requires closer consideration than it is given here and is better described in a larger writing. While lending some consideration to the radical feminists' position, in any analysis of social

degradation, one must also take into account the degrading effect dividing men against women for the benefit of some political viewpoint. Degradation can be immediate, or a slowly evolving process. It can be viewed as a personal problem, or a social one. For example, on a personal level, a virtuous woman is not degraded by the presence of immoral women. If anything, the circumstance complements the virtuous woman because those around her behave in a less sophisticated way. However, she can be afflicted in a variable way by the presence of immorality in her life, but not degraded. On a social level, it could be said that while the presence of any degrading actions is undesirable, its effects address men and women equally by keeping civilization operating on a lower evolutionary plane.

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Preface

“Prostitutes’ Rights and Other Human Rights Issues” is one of a series of articles discussing political, social, and theoretical problems associated with prostitution. Other areas of analysis include: Feminist Issues, Stigmatization Theory, Social Assimilation Theory, and finally Philosophical Issues. The first part of this writing is fairly easy to read. However, as the work progresses it becomes necessarily more complex as the etiology of human rights issues is explored.

It is important from the beginning to get an historical perspective on human rights. While this writing goes back more than twenty-five hundred years to develop a case for human rights, one will find in recent rights theory the belief that human rights had their beginning in 1789 with the Declaration of the Rights of Man and Citizen.¹ It is sufficient for all practical purposes to say human rights began in 1789, but for a better understanding of rights one needs to go back thousands of years in order to develop some fine points of the issue. Rights have gone through several transformations, from “right” to “rights,” and from natural law to natural rights to human rights. In the process of condensing the material, these terms are sometimes used almost interchangeably which can be confusing to the reader.

Prostitutes may wonder why some aspects of prostitution are analyzed here in a seemingly negative light. This practice follows from the belief that more good will come of being fair and objective with the issues of prostitution than being one-sided. The public is already predisposed to a certain attitude towards prostitutes, making it all the more important to be accurate and fair in making a case for prostitutes’ rights. There is a fundamental decency in the lives of prostitutes that needs to be brought out. This requires a degree of journalistic objectivity such that trust is promoted in the public mind, enough so to consider the positive aspects of prostitutes and

their rights.

It is a difficult task to assemble three thousand years of rights development in a few pages, let alone in the context of the development of prostitutes' rights. The field of rights is so broad that it requires considerable abstraction to condense it all into a form compact enough to focus on and discuss. As a result, there is some distortion in the transcription of historical events and theories cited. This can be corrected by referring to original sources or by seeking contemporary authorities in the field of the work of such thinkers as the early Greeks, Thomas Aquinas, Mary Wollstonecraft, John Locke, Thomas Hobbes, and Jean Jacques Rousseau. This writing uniquely incorporates biological and philosophical theories in attempting to resolve the issue of where rights come from in the first place. This theoretical approach presents certain complex arguments. These are necessary to develop a comprehensive explanation of the evolution of human rights.

Introduction

Prostitutes are abused and afflicted by the unreasoned prejudices of many people in many nations. After centuries of discrimination and abuse they are beginning to seek their full and fair rights as human beings. With the pent-up emotions that come with oppression, it is likely there will be excesses and exaggerations in the political efforts that frustrate the rapid growth of the rights of prostitutes. Examples have been shown in the work of Phillip K. Howard that in the beginning of a rights effort, rights that appear within reach, suddenly begin to melt away because excesses and exaggerations of political rhetoric inspire a backlash in the public sentiment. In Howard's words, "The ostensible winners have found, not justice and fulfillment, but isolation and recrimination."²

Waging an effective campaign to change attitudes is a complex political undertaking. In order to be an effective political force, prostitutes must develop new methodologies to overcome their oppression. In the heat of political struggle, prostitutes are under pressure to be persuasive and credible. In the midst of intense pressure that can arise when a movement begins to become successful, they may temporarily lose their balance and say things that undermine credibility. Excesses may come back to haunt them and frustrate further political gains. Prostitutes seeking their rights do not need to relive the errors of other organizations as they build an effective rights campaign.

In order to make an effective case for rights it would help if prostitutes knew something about rights: where they have historically come from, and under what conditions they can be granted. To effectively challenge the legal system, the theoretical underpinnings of law must be known and understood. Much of what the American tradition of government knows of constitutional law has been inspired by Thomas Hobbes, Locke, and Rousseau. The laws of Western civilization, of course, go back much farther.

The foundations of political thinking surrounding the ideal of autonomy or self-determination formally began in the early Greek period. Autonomy, freedom, and liberty are all interrelated ideas. Rights as well as freedoms do not appear to be anything close to being absolute. Rather, their nature is a contingent one. There is a common assumption that the right of self-determination means the right to do anything one pleases. However, since a certain element of contingency is demonstrably a part of the exercise of right, some rights have priority over others when the context in which they are used radically changes. A person has the right to drive a car on the highway, but only if he or she is not intoxicated. An apartment dweller is free to do what he or she wishes inside the apartment to the extent that playing loud music does not infringe upon the neighbors' right of quiet enjoyment.

Obviously, everyone cannot be totally free without conflicts arising. Therefore, priorities are established and laws, morals, manners, and customs are developed in an effort to make the society a harmonious environment instead of a battleground for self-serving needs.

From early Greek times, the ideas of autonomy and self-determination have been linked with an objective state of mind. This means a condition of reasoning free of coercion or influence in which a person deliberates upon a wide range of choices before choosing an action on which he or she is at liberty to decide. Thought and reason play an important role in the concepts of autonomy, liberty, and freedom.

The Greeks were not the only philosophers to analyze and discuss the nature of rights. Almost two hundred years ago Mary Wollstonecraft uniquely blended ideas of citizenship, education, virtue and autonomy into a workable conceptualization of society. Her work is important for prostitutes to take note of because she left compelling clues that point the way for prostitutes to be assimilated into the

society as respected members of it.

The idea of human rights did not begin to accelerate in the Western world until the thirteenth century, when Thomas Aquinas proposed that all laws were or should be based on natural law. This, of course, was not a new idea, yet he presented it in a more convincing way than his predecessors. He established a firm foundation for political theories that later were to merge into the idea of human rights. By the time Hobbes, Locke, and Rousseau began to work with the natural law concept, there had evolved a transformation of the ideas of natural law into the concept of natural rights. In early Greek times, rights were considered inherent in the state, but now with natural rights theory, rights were to be viewed as inherent in the individual. Hobbes' work conceived of laws arising from a primitive state of social organization in such a way that the society would grow and not tear itself apart. In order for this growth to be assured, simple laws were established to manifest order in society. These laws, then, represented an early form of social contract. In a more refined way Rousseau's particular view of the social contract substantially changed the philosophical view of rights. They could not be characterized as deriving from mere opinions, since they were now shown to be a product of social and personal agreements. For example, if a person borrows money from a bank for a house, and fails to repay the loan, he or she agrees to give up possession of the house. It is not merely some person's opinion that the bank has that right; it is now an accepted fact.

The social contract theory never was able to fully explain the nature of such complex rights as Locke's assertion that people were due the right of "life, liberty, and the pursuit of happiness." The source of the authority of rights was still obscure. But a tradition of claiming rights that began in Rousseau's time still remains today. Prostitute activists themselves have adopted the style of rights claims that emanates from the eighteenth-century rights idea later redefined by the United Nations. Human rights writer Katrina Tomasevski sees the rights movement as having begun with the Declaration of the Rights of Man and Citizen in 1789. The emergence of the concept of human rights, separate and distinct from the idea of right, marks a fundamental seventeenth- and eighteenth-century shift from natural law to natural rights and from there into human rights.

The latest transformation in the evolution of human rights is marked by the world coming together in the 1940s to form a United Nations to further the interests of not only individual nations but also the world itself. The U.N., upon organizing, made rights claims in the same spontaneous way people had done more than two hundred years earlier. But with the emergence of the U.N., the claims theoretically had more authority. Explaining why the organization had the authority to claim human rights becomes very technical and requires a new conceptualization of the foundations of human rights in order to make sense of twenty-five hundred years of rights theory. Rights theories are many and diverse. With the rise of Darwinian biology a new methodology of conceiving of rights has emerged, beginning with the work of zoologist Theodosius Dobzhansky in his book *Mankind Evolving*. He viewed human cultures as an extension of biological adaptation with survival as the end of all new creations in nature. This seminal idea has now become more complex and is represented in complex form under the heading of Living Systems Theory.

Life forms from the cellular level up repeatedly exhibit certain tendencies to organize, survive, and communicate. Societies are an extension of biological processes that go back to the cellular level. The U.N. might be considered part of these biological processes. Living Systems Theory would view the formation of the United Nations as a naturally occurring event at the supranational level of organization. A theory can be drawn from Living Systems that imbues the U.N. with the moral authority to make claims such as those of human rights based upon the way the organization and purpose of the U.N. resembles other biological strategies: minimizing conflict, maximizing harmony and productivity, and enhancing the ultimate survival of the biological system whether we are talking about microorganisms or people.

While it may seem out of place to construct such an elaborate description of rights using theoretical biology, this theory furthers the cause of prostitution because its unique approach sheds new light on many old and intractable problems of rights theory. A theory of how living systems survive by better organizing is also relevant to the political efforts of prostitutes. Higher levels of organization and communication are necessary for prostitutes to survive in the highly competitive world of sophisticated political forces. It is only

natural for a world organization to evolve to increase the political visibility and effectiveness of prostitutes. Conventional society feels there are many problems that accompany prostitution. An intermediary organization between prostitutes and mainstream society will clearly be helpful in resolving some of the potential conflicts that may arise by legalizing or decriminalizing prostitution. Prostitutes are more accustomed to less structured organizations. But if the desired ends of prostitution politics are ever to be realized, there is no way to avoid building a world organization of prostitutes in the tradition of other professional groups that have become accepted and vibrant participants in society.

Introduction

Prostitutes are abused and afflicted by the unreasoned prejudices of many people in many nations. After centuries of discrimination and abuse they are beginning to seek their full and fair rights as human beings. With the pent-up emotions that come with oppression, it is likely there will be excesses and exaggerations in the political efforts that frustrate the rapid growth of the rights of prostitutes. Examples have been shown in the work of Phillip K. Howard that in the beginning of a rights effort, rights that appear within reach, suddenly begin to melt away because excesses and exaggerations of political rhetoric inspire a backlash in the public sentiment. In Howard's words, "The ostensible winners have found, not justice and fulfillment, but isolation and recrimination."² Waging an effective campaign to change attitudes is a complex political undertaking. In order to be an effective political force, prostitutes must develop new methodologies to overcome their oppression. In the heat of political struggle, prostitutes are under pressure to be persuasive and credible. In the midst of intense pressure that can arise when a movement begins to become successful, they may temporarily lose their balance and say things that undermine credibility. Excesses may come back to haunt them and frustrate further political gains. Prostitutes seeking their rights do not need to relive the errors of other organizations as they build an effective rights campaign. In order to make an effective case for rights it would help if

prostitutes knew something about rights: where they have historically come from, and under what conditions they can be granted. To effectively challenge the legal system, the theoretical underpinnings of law must be known and understood. Much of what the American tradition of government knows of constitutional law has been inspired by Thomas Hobbes, Locke, and Rousseau. The laws of Western civilization, of course, go back much farther.

The foundations of political thinking surrounding the ideal of autonomy or self-determination formally began in the early Greek period. Autonomy, freedom, and liberty are all interrelated ideas. Rights as well as freedoms do not appear to be anything close to being absolute. Rather, their nature is a contingent one. There is a common assumption that the right of self-determination means the right to do anything one pleases. However, since a certain element of contingency is demonstrably a part of the exercise of right, some rights have priority over others when the context in which they are used radically changes. A person has the right to drive a car on the highway, but only if he or she is not intoxicated. An apartment dweller is free to do what he or she wishes inside the apartment to the extent that playing loud music does not infringe upon the neighbors' right of quiet enjoyment.

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"To speak of prostitution and civil rights in one breath, moves the two into one world, at once exposing and narrowing the distance between them"

Katherine MacKinnon

The Evolution of the Prostitutes' Rights Movement

In the last two decades prostitutes have increasingly come together in a worldwide effort to secure their rights. Many independent organizations have evolved in many different countries. The voice of these organizations has been to some extent represented by The International Committee for Prostitutes' Rights or (ICPR),³ an organization founded by Margo St. James and Gail Pheterson following the First Whores' Congress in 1985.⁴ ICPR represents perhaps one of the best and most systematic efforts prostitutes have helped create to promote their rights in the world today.

In her book *A Vindication of the Rights of Whores*, Pheterson reveals many kinds of abuse prostitutes have suffered. She speaks of stigmatization as the mechanism of the oppression⁵ of prostitutes because it objectifies them and reduces them to an inferior status in society.⁶ Although she does not elaborate this idea specifically in terms of dehumanization, the theme strikes a familiar chord in the writing of Richard Rorty. In his

view, "People do not believe they are being inhuman (when they reduce people in stature), but rather are discriminating between true humans and pseudohumans."⁷ Like the Nazis ridding the world of Jews, such people "take themselves to be acting in the interests of true humanity by purifying the world of pseudohumanity."⁸ The fact that certain political and economic forces benefit by the easy exploitation of prostitutes makes the perpetuation of harsh stigmatization even more questionable. For instance, it should be self-evident that the large-scale trafficking in women for the purposes of prostitution runs against the grain of civilized behavior and moral action.⁹ The fact that this practice exists with virtual impunity lends credence to the notion that not only must there be raw political forces that sustain such practices, but that there must also exist a system of opportunistic intellectual thought promoting the practice. The intellectual, seeing himself or herself an authority on all things reasonable, yet not understanding his or her own faulty reasoning, sees no harm and advises politicians against taking seriously charges that human rights violations are regularly occurring. Therefore the rights struggle is not merely a political one, it is an intellectual one as well. The political strategies for overcoming rights abuses must be broadened and must become more sophisticated in order to overcome both predatory political policies and intellectual opportunism. While most prostitutes tend to agree that change is needed, how such changes are to be implemented is a matter of contention. The systematic accumulation of documented cases of human rights abuses is one of several effective strategies for overcoming oppression. Tangible evidence of abuse surely will firm up any reasoned claims for social change; such a body of evidence is difficult to discount. Another method to overcome oppression is to build a highly structured and formal world organization of prostitutes, staffed with salaried people. Its purpose would be to serve as a political representative of prostitutes in mainstream politics. Unfortunately, prostitutes appear to be more comfortable with loosely structured organizations. Thus, it may be some time before they are willing to concede to structural changes and build a larger world organization. Another vehicle for change is to support the creation of a variety of professional publications so that prostitutes and the public can be better informed and less apt to make decisions based upon

misinformation or stereotypical ideas. While a highly structured world organization may be well suited to accommodate the style of higher level politics, a professional publication can appeal to the intellectual interests of a segment of society that is often unheard in politics, yet possesses a great deal of influence in bringing about needed social changes if they have a reason to make their thoughts known. Building a world organization, supporting the growth of organizations such as ICPR, and promoting professional publications so that the nature of sexwork can be more commonly understood are all good methods for promoting prostitutes' rights. However, there is a variety of upstart politics that needs to be discussed, one that can harm the rights effort rather more than help it.

Old Strategies and New Ones

The traditional approach in upstart rights politics tends to seek support from the constituent population wherever it can and by whatever means are legal. In the initial formation of a political organization it is passions that most effectively bring people together and not the intellectual reasons for a cause. Passions and beliefs do play an important role in the formation of rights-claims by prostitutes. But at some point there must be a fundamental shift in the political centering from rhetoric to reason, as is later discussed. In this respect, the political reasonings of today's leaders in sexwork are entirely in line with what one would expect in the early development of an organization. If the political organizing of prostitutes evolves much further, and begins to make serious inroads towards changing statutes significantly, then any doctrinal errors made or refinements not implemented now will strengthen the backbone of opponents' arguments in restraining the growth of prostitutes' rights. Prostitutes have finite resources; therefore there is no point in creating problems now that must be later overcome, putting a strain on their scarce resources because of short-sighted planning. Political passions and rhetorical arguments must be set aside to let reason prevail and effect the greatest social change in the future. It is better to stress defensible claims than to invent ones in the heat of arguments that may seem politically expedient at the time.

Polemics, histrionics, and outright distortions of the truth are

many times used to garner public attention and enlist support from the community. The problem here lies in the fact that the public is aware of the tendency of political groups to put a deceptive “spin”¹¹ on the presentation of the facts. This may be a time-honored tradition in politics that works for a suburban garden club campaigning for a building variance from the city council, but it will not work effectively in the instance of prostitutes seeking the widespread decriminalization of prostitution. Any claims that prostitutes put forth as credible arguments for the legalization of prostitution, or for its decriminalization, necessarily will meet with intense skepticism. From the beginning prostitutes have a bad moral reputation.¹² Since the public does not have an intimate knowledge of the decent nature of many prostitutes, they can easily think of prostitution existing on the moral level of lying and theft. If prostitutes attempt to pass off bad arguments as good ones the public is not likely to be deceived. Any deceptions the public does find will likely prove what they want to believe in the first place—that prostitutes are immoral and that they will use any fabrication or sophistry they can to con the public.

This is not an ordinary struggle; it is an extraordinary one that must overcome the most deep-seated of human prejudices. Since conventional politics relies in large part on creating an image of the good, the right, and the reasonable, prostitutes must begin a conventional fight with the disadvantage of being profoundly morally stigmatized. Therefore, a new strategy is necessary to accommodate the special needs of the prostitutes’ rights effort. One possible strategy is simply to be open and fair about the issues. It takes less energy to defend an honest appraisal of rights than to defend arguments based on political sophistry. Instead of finding denials and misrepresentations, the public might perhaps be taken off guard by the directness and honesty of the political effort. This would give prostitutes the added advantage of winning support through people’s hearts as well as through their minds.

The Conventional Politics of Rights Movements Modeled After the Civil Rights Movement

Since the Civil Rights movement began more than three decades ago there have been many attempts by many people

to secure their full and fair rights. Claiming rights has not always been an easy road to travel since there is no guarantee those rights will be ceded by powerful interests in society. After decades of rights struggles fought by a diversity of political groups, prostitutes are now leaping into the fray to claim their rights. But there is a growing disenchantment in society with rights issues in general. To those weary of rights issues, prostitutes are just another political group out to get whatever they can by claiming that their rights have been abused. It is therefore necessary for prostitutes to develop a new methodology for conveying their grievances to society in a credible and compelling way.

In *The Death of Common Sense* Phillip K. Howard conveys the idea that the combative political approach may not be as desirable an option as it once was.

Like printing money, handing out rights to special interest groups for thirty years has diminished not only the Civil Rights movement but the values upon which it was founded. Rights, intended to bring an excluded group into society, have become the means of getting ahead in society. But everyone is losing. It is the nature of continued conflict, as well as law's inadequacy as a vehicle to happiness, that the ostensible winners have found, not justice and fulfillment, but isolation and recrimination.¹³

As more and more rights claims are set forth, there is an effect on the public perception of issues similar to that which printing more and more money has on the economy. L.W. Sumner, a pioneer in the abortion rights area, adds to these insights and emphasizes the need for a foundational theory to support rights-claims instead of merely employing more rhetoric.

The resulting inflation of rights-rhetoric threatens to devalue the notion of right. If we are to continue to take rights seriously we must impose some control over the proliferation of rights-claims. The needed control is a standard that will enable us to sort authentic from inauthentic rights. A standard of authenticity, in turn, must be grounded in a moral theory. Thus if we are to continue to take rights seriously we must contain them within the framework of an independent plausible moral theory.¹⁴

Feminist writer Hilary Charlesworth briefly touches on the issue of rights struggle and rights rhetoric in her feminist critique of rights. Adding to what Sumner says, yet in a

different context, she says, “Recourse to the language of rights may give a rhetorical flourish to an argument, but provides only an ephemeral polemic advantage, often obscuring the need for political and social change.”¹⁵

So much of what is supposed to pass as reasonable political theory in rights struggles is not reason but rhetoric. Thus it is important to examine the nature of reason and rhetoric, albeit briefly. For people to make an autonomous informed judgment about the issue, they must be sure they are not being coerced into taking an illogical position based upon hype and high emotion.

For rights claims to be credible there must be a logical ladder linking causality, experience, and theory. Political rights claims often seem logically disconnected from the larger body of political and philosophical theory. As Sumner implies, too much rhetoric and too little foundational theory are likely at the source of this disconnection. It is important for serious political movements to recognize what dogma and rhetoric are, so that they can move forward rapidly.

The abstract nature of the word rhetoric, and the many levels it operates on, can be confusing. If a person’s goal is to make meaningful changes in rights legislation in his or her lifetime, rhetoric in political dialogue must be pushed aside to let reason move events forward at the fastest possible pace. Both rhetorical and dogmatic prescriptive beliefs woven into political theory undermine the attractiveness of a political cause. Ideas are better conveyed to the larger outside world in terms of refined rationality instead of rhetoric.¹⁶ This should be evident in the very definitional distinction between the words reason and rhetoric. Rhetoric inspires more rhetoric, and consequently more smoke and mirrors to make logical points look more rational within the heat of political arguments. Howard observes, “The fight for rights can become obsessive, like a religious conviction.”¹⁷ This would be the natural outcome of the “inflation of rights rhetoric.” Since there is no plausible moral theory to stabilize the political discussion, it tends to degrade into an emotional scuffle. The public reaction to these kinds of arguments is to turn a deaf ear to them because they lack recognizable form and sensibility.

Claiming Prostitutes’ Rights

In *A Vindication of the Rights of Whores* a rights claim is made for prostitutes. The International Coalition On Prostitutes' Rights believes that prostitutes have the right of self-determination.¹⁹ This view is restated by Priscilla Alexander in *Sex Work: Writings By Women In the Sex Industry*, who believes that "women have the right to make up their own minds about whether or not to work as prostitutes, and under what terms." She claims they have the right to work as "freelance workers as do nurses, typists, writers, doctors,"²⁰ sincerely believing that prostitution should remain under the control of prostitutes. But, this type of contractarian²¹ claim tends to oversimplify the moral world and discount a whole galaxy of other considerations. This argument reduces to: There are many occupations in the world, prostitution is an occupation, therefore prostitutes have the right to choose whatever work is suitable for them, which is employment as prostitutes. A method of viewing this oversimplification is perhaps to be seen in the example of a person caught practicing medicine without a license. He or she may believe they have the right to practice medicine as much as anyone else does, but the right to practice is determined in another way than by way of a rights-claim. There are, for instance, problems historically associated with unlicensed practitioners, problems which have required governments to regulate and demand licensing of practitioners.

A claim of a right must address the entire scope of the issue or it is one-sided. The side-benefit of bringing out all viewpoints possible is that it gets the issues out on the table where they can be more adequately resolved in the best way for all parties concerned. The rights claim carries with it the same expression of a moral claim or a legal claim. It is also expressed as a rhetorical tool to enlist widespread support for the cause of prostitutes. Because there are moral intonations associated with the assertion, it must be examined more closely for its worth as an ethical statement.

From a purely ethical standpoint, the claim that women have the right to be prostitutes as much as typists have the right to be typists is deficient in a theoretical underpinning. Political views that arise from feelings and intuitions are categorized in various ways by philosophers. Two of these categories are ethical intuitionism and subjectivism. There are many problems in basing a political theory on these kinds of

arguments. If one person can claim a right without providing a reasoned basis for that claim, there is no logical restraint on other people doing the same for their preferences. If everyone is simply making unsubstantiated claims, then the rules of the prevailing ethical system will likely favor force, persuasion, or manipulation as the factors deciding which argument will prevail. These are “who is to say” types of arguments that in the end tend to appeal to the force of personality, rather than trying to reach a logical agreement. In reasoned ethics, morality is not so much an issue of “who is to say” as “what is to say.”²² A reasoned argument with a substantial theoretical foundation is usually favored over arguments that can give no comprehensive explanation for their existence. However, an unfounded belief is not necessarily untrue simply because it can cite no logic to support it. A belief may have merit, yet be presented incorrectly. Such beliefs may simply be waiting to articulate themselves given advancements in knowledge that will reveal better methods of doing so.

There are at least three problems with these rights claims that come to mind. First, in no case does the reader know where these rights come from in the first place. Such a proposal could be considered unfounded if not explained in detail. With valid claims follow detailed explanations. Details are necessary to understand how a proposal fits with a whole other set of ideas about the world. Good theories tend to integrate on a broader scale of psychological, scientific, and social knowledge than self-serving theories which only address issues in a narrow sense. Second, such rights claims assume that each woman will be making an informed judgment concerning whether she will become a prostitute as opposed to another career path. Since it is known that powerful persuasive techniques exist that can unfairly manipulate a person into making an unreasonable decision (such as advertising and selling strategies), constraints must be defined that protect uneducated, inexperienced, and weak-willed people from falling victim to social fads or to people who wish to exploit their sexuality. In the short-term, prostitution can seem an attractive career option, but there are many people who, once exploited for their sexuality, later find it exceedingly difficult to develop a new career. Third, there is a semantic skewing of the word “right” which uses it in a static sense. The static sense of the word creates the

illusion that a right is a factual license to do what one wishes. When right is used in a dynamic sense, the resulting idea of “right” acknowledges that certain obligations must be met before the right sought is valid. A right is a (living) fourth-order²³ contingent state of affairs, not an absolute one etched in stone.

There are theoretical problems that need to be touched on in considering various claims that prostitutes have rights. The most evident problems with these claims are: (1) a moral claim of a universal right is being made, which implies there is some underlying universal norm governing behavior that conflicts with an observable condition of cultural relativism governing many forms of behavior; (2) the prevailing cultural morality views certain behaviors to be better than others as borne out by centuries of observation of such actions; being a typist or doctor is an occupational undertaking that is not as fraught with hazards and secondary social problems as that of being a prostitute;²⁴ and (3) freedom is a dynamic condition of action that requires that deliberation be evident before freedoms can be realized.²⁵ Interpretations of human rights repeatedly overlook the rich heritage of rights and freedoms as they are linked with the idea of reasoned actions. What prostitutes are asking for is the right of autonomous action, or self-determination. But a claim of autonomy must be followed by an explanation and understanding of what the term means in the first place.

Autonomy and Self-Determination

The fight for prostitutes’ rights is essentially a fight for autonomy. The word autonomy comes from the Greek: “autos (self) and nomos (rule or law).”²⁶ Autonomy is by no means a simple idea. Since early Greek times the idea of autonomy has been consistently associated with such concepts as reason, freedom, virtue, and deliberation. And these conceptual linkages have not occurred only in the writings of males.

In the nineteenth century Mary Wollstonecraft, viewed by some as the mother of feminism,²⁷ employed the concept of virtue in her reasoning as to how autonomy can be achieved through reason and virtue. “Reason is the capacity for self-government (self-rule) in its most basic and literal sense; that is, our capacity for engaging in principle-based action, controlling our baser hedonistic instincts as individuals.”²⁸ Her ideas are unique because they explain how a person can

simultaneously live by rules that satisfy the need to be social, while at the same time being self-governing. She combines citizenship and self-government in the same breath while adding a new dimension to the idea of virtue. In this sense, her work is important to prostitutes, because within this theoretical framework lies a possible foundation for expanding their rights.

It is important to note two problems that are associated with using the concept of virtue in a political theory where women and prostitutes are the central issue. First, feminists are attempting to philosophically break away from Aristotelian virtue-centered ethics because they claim such ethics ultimately favor men over women.²⁹ Care-focused feminists feel they have a more humane and sensitive theory that includes women in society as equals—something feminists believe virtue-centered ethics cannot do. The problem here is that an ethic of care asserts itself as a virtue both intellectually and morally in a world where there exist many other forms of virtuous enterprises necessary to inspire a fair society. The virtue of care, in a sense, becomes more important than the larger category of virtue itself. This is somewhat akin to presuming a state to be of greater stature than the nation it resides in. While this to some extent is an oversimplification of the ethic of care, it is a factor to be considered when attempting to discourage (Aristotelian) virtue-centered ethics in favor of care-centered ethics, since there is a conflict of categories that can cause problems in the outcome of subsequent logics if not corrected. Power-focused feminists invert their priorities in a similar way by claiming oppression to be the general category of moral description instead of immorality. Oppression is one form of immoral behavior amongst a galaxy of other descriptions of immorality.

The work of Mary Wollstonecraft is a good example of a feminist philosophy that strikes a balance between care-centered ethics and virtue-centered ethics (see androgyny).³⁰ This balance can be seen in the statement, “Virtue is founded on sociability, an ever expanding circle of esteem and compassion.”³¹ Using the concept of virtue, Wollstonecraft derives a theory of rights that can be seen in the statement by Sapiro about her philosophy: “If we have capacity for individual government, otherwise known as virtue, we may not be systematically denied our rights to participate in our

self-government by governments as they are more commonly understood: the power relations within social institutions.”³² The second problem with using the word “virtue” in a political theory derives from the fact that some people conceive of virtue as an extension of some religious belief. Virtue, however, is also a secular term describing exemplary actions that promote personal growth and the common good. It is a condition of being that manifests itself in the making of good choices. It is a highly objective condition in which a person must constantly select from a wide spectrum of choices. It is known by experience that some choices are better than others, and that some lead to pain while others lead to pleasure. The writings of the early Greeks make an important linkage between emotions and virtue. Socrates, in particular, saw “emotions as an obstacle to both objectivity and autonomy,”³³ and Aristotle later saw the right of choice as necessary for virtue to exist at all.³⁴

Making good decisions is important towards realizing a state of autonomy. Bad decisions can impinge upon one’s freedom, and on others.’ As Stephen Nathanson says,³⁵ “...Then, autonomy involves a striving to be objective. The more rational³⁶ we become, the freer we can be of our surroundings and the more control we have over ourselves.”³⁷ Mary Wollstonecraft recognized that controlling the hedonistic instincts was a necessary function in gaining autonomy. Taking all of these elements into consideration, it is essential to recognize the place of virtue in any rights theory in which people are seeking their autonomy. A rational person is compelled to recognize that unreasoned beliefs can be parasitic on one’s attempts to become autonomous. Therefore, education and deliberation are necessary to overcome certain political obstacles in the struggle for autonomy. What oppresses the individual may have something to do with how accurately they comprehend the complexity of the world, its rights, obligations, and traditions before that person can be recognized as possessing rights.³⁸ Obligations and responsibilities that derive from this recognition play an important role in the development of an autonomous state of being.³⁹ Dr. Martin Luther King Jr. incorporated the idea of rights as commensurate with obligations⁴⁰ in his political theory guiding his actions in the Civil Rights movement three decades ago. Rights activists since then have tended to forget this relationship. Since the

goal of self-determination for prostitutes is theoretically a complex process, it requires that a person have a broad comprehension of the world so that the values and attitudes of prostitutes assimilate well with the values and virtues of the more powerful mainstream society. In this respect, there must be a thoughtful organization of prostitutes to nurture and guide this development towards a maximal state of autonomy. Such an organization is needed because there are fundamental problems in the assimilation of certain values of prostitutes with those of mainstream society that be resolved before prostitutes' rights of self-determination can be achieved.

Obstacles to be Resolved Towards Achieving Autonomy

An obstacle in the path of gaining greater autonomy is failing to realize what other people in the world do and what their sexual sensitivities are. Most of the world is not involved in sexwork; rather they are involved in building highways, designing cars, teaching children, and planning new technologies for a better future. These people, such as bus drivers, sales clerks, meter readers, factory workers, and hospital employees, to name a few, all have their beliefs about how sexuality should be legitimately expressed. Personal feelings of sexuality are very subjective and they cannot be denied to exist as real experiences in people. The "peace, prosperity, and productivity"⁴¹ of a harmonious society composed of many different jobs and professional occupations can be disrupted by sexual expressions that are out of their time and place. Achieving autonomy requires an understanding of how, for the most part, the rights of one person or group must not impinge on the rights of other persons. Rights are usually contingent and often address prior considerations which are not always easy to grasp at first glance.

If autonomy means the ability to self-rule, it implies an organized state of existence, not the unbridled freedom to do anything one chooses without thought or consideration of others.⁴² Freedom, rights, and autonomy all have long histories of being associated with the reasoning or deliberative state of mind. The process of deliberation encompasses a sensitivity to others. If certain personal actions cause reactions in people, then before people act in society they must think about the effects of their actions or suffer the consequences of an overreaction. Sometimes the reactions are so laden with emotions they cause a violent overreaction. A

man in a hurry might push another man aside. The person offended might take the incident personally and hit the imprudent perpetrator in anger. If laws, customs, morals, and manners did not exist, fights like this would be frequent and violent. They would arise from trivial things, yet they would affect the survival of many given the capacity of human emotions to wreak havoc if no restraints are set in place.⁴³ Laws are the tangible recognition of the interrelated nature of the social world. With this in mind it should be evident that everyone cannot be fully autonomous at the same time without conflicts arising.

Another example of rights conflicts can be seen in the life of an apartment dweller who persists in playing music loudly into the night to the discomfort of a neighbor, to such an extreme that the noise inspires a violent confrontation. People have been killed simply because they turned their volume up too high. The autonomy of the apartment dweller who wants to play loud music is restrained by legal statutes from doing so in recognition of the rights of others to the quiet enjoyment of their lives. In the same sense, any rights granted to prostitutes will set limits on their behavior. For instance, the flagrant solicitation of sex, from a man not looking for sex, can interfere with the tranquillity of a marriage by coercing the man into a sexual act he was not fully expecting nor willing to initiate. Many people find flagrant sexual expressions embarrassing, offensive, and intrusive into the tranquillity of their lives. While flagrant sexual expressions may not cause much of a reaction in the life of a sexworker, it can be psychologically damaging to others. When people are offended or traumatized they can become part of an emergent political force that seeks to legally and morally discourage such flagrant acts.⁴⁴ To have the freedom to move about in the environment requires that a person have a comprehension of the many lives of others around them.

Grasping the awesome size of America is difficult to do. A telephone book that listed a phone number for each of two hundred and sixty-five million Americans would be about 45 feet thick.⁴⁵ If you averaged a short paragraph outlining the type of sexual sensitivity each person had, the book's dimensions would obviously be enormous. When people say they should be at liberty to express their sexuality in whatever way, they are not taking into account the sheer size and variety of the population. In this sense, if prostitutes are to

seek their rights they must remember that “discretion is the coin of the realm” 46 in the world of human sexuality.

Autonomy and Self-Determination

The fight for prostitutes’ rights is essentially a fight for autonomy. The word autonomy comes from the Greek: “autos (self) and namos (rule or law).”²⁶ Autonomy is by no means a simple idea. Since early Greek times the idea of autonomy has been consistently associated with such concepts as reason, freedom, virtue, and deliberation. And these conceptual linkages have not occurred only in the writings of males.

In the nineteenth century Mary Wollstonecraft, viewed by some as the mother of feminism,²⁷ employed the concept of virtue in her reasoning as to how autonomy can be achieved through reason and virtue. “Reason is the capacity for self-government (self-rule) in its most basic and literal sense; that is, our capacity for engaging in principle-based action, controlling our baser hedonistic instincts as individuals.”²⁸ Her ideas are unique because they explain how a person can simultaneously live by rules that satisfy the need to be social, while at the same time being self-governing. She combines citizenship and self-government in the same breath while adding a new dimension to the idea of virtue. In this sense, her work is important to prostitutes, because within this theoretical framework lies a possible foundation for expanding their rights.

It is important to note two problems that are associated with using the concept of virtue in a political theory where women and prostitutes are the central issue. First, feminists are attempting to philosophically break away from Aristotelian virtue-centered ethics because they claim such ethics ultimately favor men over women.²⁹ Care-focused feminists feel they have a more humane and sensitive theory that includes women in society as equals—something feminists believe virtue-centered ethics cannot do. The problem here is that an ethic of care asserts itself as a virtue both intellectually and morally in a world where there exist many other forms of virtuous enterprises necessary to inspire a fair society. The virtue of care, in a sense, becomes more important than the larger category of virtue itself. This is somewhat akin to presuming a state to be of greater stature

than the nation it resides in. While this to some extent is an oversimplification of the ethic of care, it is a factor to be considered when attempting to discourage (Aristotelian) virtue-centered ethics in favor of care-centered ethics, since there is a conflict of categories that can cause problems in the outcome of subsequent logics if not corrected. Power-focused feminists invert their priorities in a similar way by claiming oppression to be the general category of moral description instead of immorality. Oppression is one form of immoral behavior amongst a galaxy of other descriptions of immorality.

The work of Mary Wollstonecraft is a good example of a feminist philosophy that strikes a balance between care-centered ethics and virtue-centered ethics (see androgyny).³⁰ This balance can be seen in the statement, "Virtue is founded on sociability, an ever expanding circle of esteem and compassion."³¹ Using the concept of virtue, Wollstonecraft derives a theory of rights that can be seen in the statement by Sapiro about her philosophy: "If we have capacity for individual government, otherwise known as virtue, we may not be systematically denied our rights to participate in our self-government by governments as they are more commonly understood: the power relations within social institutions."³² The second problem with using the word "virtue" in a political theory derives from the fact that some people conceive of virtue as an extension of some religious belief. Virtue, however, is also a secular term describing exemplary actions that promote personal growth and the common good. It is a condition of being that manifests itself in the making of good choices. It is a highly objective condition in which a person must constantly select from a wide spectrum of choices. It is known by experience that some choices are better than others, and that some lead to pain while others lead to pleasure. The writings of the early Greeks make an important linkage between emotions and virtue. Socrates, in particular, saw "emotions as an obstacle to both objectivity and autonomy,"³³ and Aristotle later saw the right of choice as necessary for virtue to exist at all.³⁴

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Possible Methodologies for Achieving Self-Determination for Prostitutes

First, if prostitutes desire self-rule (autonomy) they must demonstrate their ability to engage in reasonable debate about their problems and to assume responsibility for their actions. These requirements for self-rule extend to the idea of a world organization of prostitutes. Such an organization should take upon itself the task of setting ground rules for prostitutes designed to curb excesses such as predatory or flagrant solicitation, and the false representation of the nature of their services that would inspire resentment, hatred, and scorn in the public eye.

Second, autonomy is best facilitated by education. No one else is likely to help educate prostitutes to a level where they can achieve a degree of autonomy—so they need to help

themselves. Educating themselves, and demonstrating responsible self-rule in this manner, can have the secondary effect of giving cause for organizations such as the United Nations to fund programs that demonstrably work. Education is essential in overcoming some forms of oppression that prostitutes experience. There is a fundamental linkage between the presence of oppression and the lack of education in society.⁴⁷ When people are not educated and informed, they can be coerced into making decisions that are deleterious to their attempts to be autonomous. Education would include keeping prostitutes informed of the dangers of their profession,⁴⁸ stressing mature ways of handling the passions of men which sometimes can get out of hand when a predatory game-state arises between parties. Street prostitutes are sometimes naive when it comes to interpersonal relationships. Some are distanced⁴⁹ from society and live without the experience of knowing real friendship. Teaching practical things that are obvious to others but not to some prostitutes, is essential.⁵⁰ “Friendship is a freely chosen relationship in which one ‘intends’ the well-being of the other.”⁵¹ This needs to be spelled out to many people who are vulnerable to exploitation. This is necessary because some prostitutes being naive and credulous to friendly feelings mimicked by a crafty predator have the habit of getting into exploitative relationships. Street prostitutes need friends who “intend” them no harm. If there is an organization that seeks to build a trust among prostitutes, there is the potential for developing valuable non-competitive, non-predatory relationships. Intending no harm also extends to exploitation because in politically oriented groups there is sometimes a tendency to exploit people for their allegiance to the group’s cause. If members of a group are only there to be pawns in a political power struggle, the vicious circle of exploitation would repeat itself in the lives of women who have had enough of the subtleties of exploitation. Street prostitutes in particular have the need to find a political advocate as well as a source of genuine friends. Thus, an organization of prostitutes must find a balance between needing people for political purposes and engendering a sense of community and friendship.

Third, the police cannot be in every bedroom to protect a person’s rights. Some prostitutes, particularly street prostitutes, live in an environment that is beyond the reach of

the law. In order to more adequately protect themselves, prostitutes could use the help of a professional organization that could identify social predators who abuse and exploit prostitutes. A professional organization could be highly effective in tracking down abusive men and encouraging prostitutes to bring charges against abusers while at the same time protecting them from harm once the abusers are back on the streets within hours of being picked up by the police—having posted bond to get their release. Some prostitutes know the language, location, and habits of certain violent men better than the police do and can discourage such predators in ways they can understand, given the cooperation of a large system of prostitute organizations and some cooperation with the police. While prostitutes may be inclined at first not to cooperate with the police, there are ways both can mutually benefit. The benefit of cooperation is that protecting prostitutes from fraud, coercion, and rape becomes a more achievable goal.

Fourth, the restraint of emotions leads to a higher form of personal freedom and autonomy. Western nations have been built on a tradition of deferred gratification. To become autonomous is to learn how to suppress impulsive behaviors so that long-term goals can be achieved. Theories of autonomy link deferred gratification to autonomy.

Philosopher Gerald Dworkin talks about this higher sense of autonomy as “a second-order capacity of persons to reflect critically upon their first-order preferences, desires, wishes, and so forth and the capacity to accept or attempt to change these in light of higher-order preferences and values.” 52

Young people, who of their own will discover the world of sexwork, should be encouraged to think of it as a career option only in the sense that they become aware of the dangers of making a career transition once their youthful appeal has passed. Veronica Monet calls this building your bridge. While there are certainly many middle-aged prostitutes who have not had transition problems, there are others who have been caught in the painful situation of finding diminishing returns as prostitutes and no alternative possibilities for employment. Self-government for prostitutes means anticipation and taking care of social and occupational problems that arise. The more prostitutes take responsibility for themselves, the more the public will be inclined to accord rights and protections to them.

Fifth, rights derive from contingent circumstances. Prostitutes cannot enjoy rights without acknowledging a broader system of rights and obligations. To have rights requires that the rights of others be correspondingly acknowledged. This would require a change in attitude: from being an outlaw to striving to be in harmony with mainstream society. Being an outlaw only gives a person the symbol of autonomy, not the substance of autonomy. At some point it is both vain and fruitless to sustain the image of an outlaw when there are ways of finding social acceptance as ordinary citizens.⁵³

Sixth, it must be noted that parents and the society as a whole clearly have an important role in bringing up the children who are its future citizens. The fact that parents and governments invest time, energy, emotion, and money to bring up young people often creates in their minds a perceived right to guide young adults into career paths they feel are best for them. Out of this intimacy and/or investment on the part of parents and government a protective attitude evolves. When a third party influence comes along—one that does not have such an investment in the young person's upbringing—a fundamental conflict of forces ensues, giving rise to strong feeling about the meddling intruder in the minds of government and parents. Since the short-term gains of being a prostitute while very young are potentially substantial, an allure is created that can pull young people off the path of development their parents had intended and invested in. Any outside force that has this kind of potential to wreak havoc on a parent's dreams is going to be highly discouraged if not stigmatized in the parent's thinking. Stigma can also be manifested by the sheer politics of power. Whether the parents are right or wrong in their belief that they should control the development of their children's sexuality, since they have such an extensive investment in their children any perceived threat to that perceived right will unleash enormous powers among parents who feel threatened. It would be imprudent for prostitutes ever to tackle head-on such a powerful political force. Instead, respecting their views and working out a more amenable relationship between the forces of prostitutes' rights and the powers of parents is a better approach. Since there is not a specific policy regarding the age-sensitive issue of prostitution, the matter is left to the moral sentiments to decide. When such sentiments are invoked, feelings and prejudice invent legal restrictions that go to excess, and the

stigmas they spawn are harsh and unfair. Internationally, the world is a fiercely competitive place. This factor alone places pressure on the government to deploy its resources (in terms of their people and material goods) wisely. Like carelessly spending money, the ultimate result could be lowered status or poverty for nations that do not promote certain social efficiencies and deploy their resources well.

The present moral system reflects the sentiments of centuries of observations that activities such as prostitution should be discouraged in favor of better options.⁵⁴ In reality there are relatively few highly competent people in the marketplace to fill needed positions in the economy. These model workers, whether they are executives, craftspeople, office managers, or the like, are a necessary inspiration for others striving to emulate that model worker's natural abilities. Thus, based upon a model of utility,⁵⁵ stigma can spontaneously arise in a nation in an attempt to better survive by the efficient ordering of resources. This is to say the distribution of talent in a society is sometimes unevenly distributed. Looking at the problem solely from a standpoint of utility maximization—which is an important consideration among competing nations—the efficient use of talented people is essential.

The arguments against prostitution on moral grounds theoretically diminish once a person reaches the age of, say, thirty-five.⁵⁶ The remaining obstacle (involving the client) lies with the theoretical considerations involved with society promoting non-hedonistic activities in favor of more reasoned and “culturally refined” ones.⁵⁷ Defining the minimum age of prostitution, and strictly enforcing it, is an essential ingredient in working out an amenable solution between parents, prostitutes, and the government. Some forms of self-determination are possible, and their benefits can be maximally realized if prostitutes take the initiative for change.

A Theory of Rights

Rights derive from reason and the observation of complex human relationships in relation to the perceived realities of the societal setting. They are a fourth-order,⁵⁸ contingent state of affairs that prioritize the complex relationships that hold society together. Without rights the development of a modern technological society would be slow and painful because it would not be well-organized or efficient. Rights

are necessary to get the most out of people in a mutually agreeable way. The presence of a diversity of rights makes the socializing process more harmonious, productive, and creative. Given variations in the social context in which rights manifest themselves, some rights have priority over others. The complex issue of sorting out what rights will prevail, and in what circumstances, is left to the statutory legal system. But, in addition to statutory laws that define rights and the restriction of rights, there are moral, manner, and customary systems of rules.

Since laws of all descriptions have evolved over many thousands of years, their relationship to one another is very complex and often obscure. The circumstances under which laws, morals, manners, and customs have evolved are so distant from memory it is difficult to say for sure why a person has a particular right under certain circumstances and not in another. What binds all laws together, however, is a fundamental consistency in their construction.⁵⁹ It is from this consistency that political theorists construct the reasoned basis of rights. The idea that humans have rights is an example of such reasoning. Rights remain speculative, however, because there are only small fragments of evidence here and there to support such a claim.

In a biological context it could be said that culture is an “instrument of biological adaptation”⁶⁰ that is necessary to perpetuate the human species by effecting efficiencies⁶¹ and giving priority to things within a culture to maximize its survival—hence the ultimate survival of the entire human species. Therefore, it may be said that there are underlying principles governing the evolution of rights within any given culture. These principles include, the need to survive first as a species and secondarily as individuals or as a group of individuals. Individuals are a subsystem of a much larger system of the species.

The evolution of rights in the world is best described in a theoretical construct incorporating Living Systems Theory. While the nature of this theory itself is still developing in philosophy and biology, it does hold forth certain clues as to the derivation of rights based upon efficient actions and higher levels of communication. The net result of a biological approach is a theory of rights that develops on four levels. First-order rights considerations address the survival of the species and the implementation of certain efficiencies in

thought and action to assure that survival. When raw survival is at issue, what one can and cannot do is limited to a very narrow set of options. Under these circumstances second-, third-, and fourth-order rights considerations are ineffective in diverting or overcoming a dangerous situation. When first-order needs are met, and there is time to improve the quality of group life, second-order considerations of utility and value determine the presence of specific rights in society. There are limits to what an existence based solely on utility can do for the evolution of humanity. Third-order rights derive from reason and experience and are known and prioritized formally in the accumulation of historical facts, scientific facts, and in the formal reasonings of philosophy and political science. Within philosophy are fourth-order subsystems of ethics and smaller subsystems from there. An example of a fourth-order issue might be seen in the reasonings of the ethic of care. It is a fourth-order consideration that addresses a first-order problem of maximizing systemic survival by implementing social efficiencies. Most of the issues addressed in this writing involve third- and fourth-order rights issues. However, it is important to briefly touch upon first- and second-order rights development.

To better understand how rights evolve in a system, a first- and second-order example can be used. A nation can aggressively dominate its citizens, but it cannot get the most out of them if it is too forceful, or too negligent in granting consideration to its people.⁶² Since nations fiercely compete with other nations, they are not at liberty to drift along employing inefficient social policies. While the nation holds the ultimate power, it is in that nation's best interests to cede portions of its power to groups and individuals to inspire the best systemic conditions for its survival in the world. The granting of rights inspires a more meaningful existence for citizens. Theoretically, participation of all the creative and productive energies within a society can be optimized at a point of balance between the rights of individuals and the rights of the government. The overall power of the system is enhanced by finding creative ways of ceding rights⁶³ wherever possible, since a state of greater autonomy frees up energies of the larger system that can be used elsewhere to promote its interests. An example of this might be seen in teaching children how to dress for school. Once the children understand the appropriateness of dress, given certain weather

conditions, they are free to choose their own clothes, leaving the parents with more time to deal with more important things. In a similar way, one national system can outperform another which is distracted with internal friction deriving from unfair practices such as human rights violations. If there is a payoff for increased rights grants in the form of greater peace, prosperity, and productivity then the government or larger system is compelled to seek other opportunities to enhance its power, and therefore its survivability in the world.⁶⁴ So, first-order rights grants derive from considerations of survival and they often have prior right in many instances over later evolutions of rights.

Second-Order Value and Utility Considerations in the Development of the Theory of Rights

First-order rights, then, evolve from pure survival needs while second-order rights are an extension of a method of optimizing benefit from a system. Once the day-to-day needs of raw survival are met, the idea of value and utility improves the entire systemic evolution as well as the ability to survive. The idea of utility involves what granting rights does for individuals and their society. If something is done—and it demonstrably has value—it is generally considered a social good. If granting a right demonstrably brings about positive changes in the society, then we can say that a rights grant has value. With time and repeated affirmation, it becomes accepted as a social value. Values have as their reference other productive principles of human behavior and so all serve to guide future generations in their growth. Value in this perspective is seen as a second-order manifestation of survival considerations; it evidenced itself in early societies adopting values and maximizing the utility of things in their environment. The importance of values and utilitarian considerations necessarily preceding the development of human rights in early societies should be recognized. Prosperous and strong societies are built upon laws and values. Some values are better than others, depending upon the desired end. For example, college students attempting to get into medical school can choose among a wide spectrum of cultural value systems to define their behavior. If they value a counter-culture lifestyle in which taking drugs is held to be an acceptable value, then the task of getting in to medical school is made more difficult by the distractions of taking drugs. If students have their priorities straight, they will likely avoid

the short-term pleasures of drug use and concentrate on the more arduous task of building a future through hard work and study. Values help people to survive in a sometimes hostile world. Not only do certain values help individuals survive, but they also help entire nations develop in more peaceful and prosperous ways.

The spirited participation of citizens in a society free of exploitation and oppression creates more societal refinement and sophistication than would otherwise exist in an oppressive and exploitative society. This refinement gives the society a more transcendent quality that in turn inspires more enlightened attitudes and laws. Once this example can be seen as desirable, other nations might want to strive for it by adopting a new set of values in their nations. They must act in accordance with the values and principles of good civilization-building in order for them to fully enjoy the fruits civilization produces. If a nation denies the belief that humans possess certain basic rights, then the nation deprives itself of a certain civility and respect among other nations. Thus, there is a price that people pay for not recognizing the inherent worth of a human being. First, if a nation founds its view of law and morality on predatory practices that result in the exploitation and abuse of its citizens, that nation morally distances itself from more civilized nations and is thus at a competitive disadvantage. Second, the lack of political and economic opportunities that derives from the disparity of values between nations can undermine the more exploitative nation's ability to become autonomous. Having little political and economic power leaves such a nation in the frustrating position of having other nations impose their will upon it.

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changes in the society, then we can say that a rights grant has value. With time and repeated affirmation, it becomes accepted as a social value. Values have as their reference other productive principles of human behavior and so all serve to guide future generations in their growth. Value in this perspective is seen as a second-order manifestation of survival considerations; it evidenced itself in early societies adopting values and maximizing the utility of things in their environment. The importance of values and utilitarian considerations necessarily preceding the development of human rights in early societies should be recognized. Prosperous and strong societies are built upon laws and values. Some values are better than others, depending upon the desired end. For example, college students attempting to get into medical school can choose among a wide spectrum of cultural value systems to define their behavior. If they value a counter-culture lifestyle in which taking drugs is held to be an acceptable value, then the task of getting in to medical school is made more difficult by the distractions of taking drugs. If students have their priorities straight, they will likely avoid the short-term pleasures of drug use and concentrate on the more arduous task of building a future through hard work and study. Values help people to survive in a sometimes hostile world. Not only do certain values help individuals survive, but they also help entire nations develop in more peaceful and prosperous ways.

The spirited participation of citizens in a society free of exploitation and oppression creates more societal refinement and sophistication than would otherwise exist in an oppressive and exploitative society. This refinement gives the society a more transcendent quality that in turn inspires more enlightened attitudes and laws. Once this example can be seen as desirable, other nations might want to strive for it by adopting a new set of values in their nations. They must act in accordance with the values and principles of good civilization-building in order for them to fully enjoy the fruits civilization produces. If a nation denies the belief that humans possess certain basic rights, then the nation deprives itself of a certain civility and respect among other nations. Thus, there is a price that people pay for not recognizing the inherent worth of a human being. First, if a nation founds its view of law and morality on predatory practices that result in the exploitation and abuse of its citizens, that nation morally distances itself

from more civilized nations and is thus at a competitive disadvantage. Second, the lack of political and economic opportunities that derives from the disparity of values between nations can undermine the more exploitative nation's ability to become autonomous. Having little political and economic power leaves such a nation in the frustrating position of having other nations impose their will upon it.

The Evolution of the Concept of Human Rights from a Third-Order Intellectual and Historical Perspective: The Early Idea of Natural Right

Third- and fourth-order evolutions of rights reveal a history of rights issues that people these days are somewhat more familiar with. The reason first- and second-order issues were brought up at all was to point out that there are underlying forces such that ordinary reasoning would not necessarily assume—yet they exist and profoundly affect the development of rights and liberties. The history of the development of rights in a classical philosophical manner is just as important a process to note as were first-order rights issues in making sense of human rights.

The classic idea of natural rights involves thinking that runs from pre-Socratic times up to Thomas Aquinas. Leo Strauss in *Natural Right and History* covers the development of rights from ancient times until the eighteenth century, but he does not fully develop the influence of the idea of freedom, autonomy, reason, and virtue as a unity of concepts supporting the notion of rights. As a result, rights remain theoretical and without a substantial foundation, except for the claim that rights reside in nature. The earliest idea that nature existed apart from humanity marks the beginning of many evolutions in political thinking concerning right and rights which have led to the modern belief that humans have rights.

In Strauss's view, the notion of right emerged with the first challenge to the authoritarian decrees of a person's ancestors by the advent of philosophy.⁶⁵ When people began to think philosophically, they likely discerned that some of their ancestors held conflicting views of right. This was no small achievement because mythological and divine conceptualizations of the universe were relatively complex

and thus to challenge them indicated an advanced state of philosophical inquiry. But productive reasoning needs an object, thus, observation of what later became known as nature was crucial to the development of reasoning and the discernment of right and wrong behavior. Nature, as a separate and distinct entity from humans, was not always known. To Strauss, "Philosophy as distinguished from myth came into being when nature was discovered, or the first philosopher was a man who discovered nature."⁶⁶ So the notion of right originally was embodied in the mandates of one's ancestors or those of divinely inspired sources. However, with the advent of reason and observation people were free to question the prevailing notion of ancestral right. The ability to question authority based on reason and observation must have taken some of its inspiration from the greater autonomy that reasoning produced. The capacity to reason in effect helped separate humans from nature, granting them a degree of autonomy to freely exist in it. While humans were separated from nature and endowed with objective powers of reason, they were still tied to it through their raw and untempered passions (greed, revenge, envy, hatred and the like). Greater autonomy could only be achieved with refinement of reasoning that civilized the passions. It is likely that as humans developed an appetite for greater understanding of their world through the give-and-take dynamics of the autonomous state, they also gained a greater appreciation for the value of reason. Aristotle was one of the earliest thinkers to emphasize the deliberative nature of freedom. So, from the beginning, the concept of rights that emerged from reason, freedom and autonomy ruled out a state of existence in which individuals could do whatever they felt like doing. One of the reasons there are certain limitations to ideas such as rights, freedom, and autonomy is that they are third-order concepts that are contingent on the first-order needs of individuals, groups, and the entire human species to survive and survive well. Ideas of the mind must sometimes compete with the more substantial realities of the physical world. To believe people exist separate from nature, and sometimes above it, threatens human survival. An organic development that precedes the time of humanity sets limits on certain freedoms. This is important to note because in modern conceptualizations of rights and freedoms people are tempted to think of the words as meaning unrestrained liberty.

The discovery of nature would reveal that things in nature have a discernible power of their own that cannot be altered by human thinking. For instance, knives cut, lions can kill humans, bees sting if provoked, and so forth. Everything in nature has a power that is uniquely its own. This power of a thing defines its nature. Since humans cannot change the nature of things and organisms around them by merely wishing them away, their ability to move about freely and unharmed in the environment is limited by the dangers inherent in it. This is an example of how organic construction before the time of humans can limit their behavior.

Certain ideas of right must have evolved from the pain and frustrations of early humans coping with the natural world—a world that could inconsiderately inflict pain, suffering and death upon them. Since people's passions are a product of the natural world, not only were ancient people threatened by the dangers in the environment, but they were threatened by the dangers of human passions as well. Once right and wrong were more clearly defined (in tune with environmental realities and the power of things in the environment to inflict harm or benefit), people were at greater liberty to move about the environment in a productive way.

The Early Development of the Formal Notion of Right and Rights

The intellectual idea of rights in the Western world was formulated by the early Greeks. There existed no special word for the word "rights" in Greece.⁶⁷ The earliest classical sources of the idea of rights can be traced to Socrates, Plato, and Aristotle. Socrates was the first to promote the idea that human beings need to free themselves from the influence of emotions to have better control over their lives through reason.⁶⁸ He believed there were natural rights which first were apprehended through reason and doubt of authority.⁶⁹ In Socrates' time the authority to define right and rights was vested in the state and not the people. Issues of freedom were not addressed in the same way as they are today. Individuals had various roles in the society, but these were subordinate to the order of social power defined by the Greek state. One of the earliest attempts to make sense of rights was made by Plato. He was the first person in Western society to formally reason the issue of rights.⁷⁰ Jumping ahead for a moment to

make a comparison with the ideas of John Locke, it could be said that Plato had other things in mind than the type of freedom Locke was thinking about. Plato's focus was upon human excellence and not liberty.⁷¹ Plato's "ideal society (had) no place for the freedoms enumerated in the Bill of Rights, freedom of religion, of speech, of assembly, of the press."⁷² Rights were something owed to an individual by the collective society for what he contributed to the prospering of society.⁷³ Rights, if they existed at all, were associated with a condition of value, such as the value of a teacher or craftsman. Plato viewed the society from the perspective that it was a cooperative undertaking. "Plato's theory of man is that we are ineradicably social."⁷⁴ To benefit by a society and be viewed as an inherent part of it involved the expression of one's values in a way that would affirm and strengthen other relationships. Thus, for Plato a right did not belong to a person in the sense that Locke later visualized a right as a birthright,⁷⁵ it manifested itself by "something done." In Plato's society, "There could be human rights but not equal human rights."⁷⁶ Since people's value to the society had some relation to their rights, he viewed the right of sexual equality to be a reasonable and productive social view.⁷⁷ Other rights he enumerated included the right to education, vocational opportunity, sexual choice, political rights and the rights of property.⁷⁸

What is important to remember about these early Greek thinkers is not so much their views on rights, but their work that defined in a systematic way standards of reasoning and argumentation. It is due in large part to them that the Western world first began to distinguish the difference between a good argument and a bad one. The idea of rights would never have taken hold in the minds of rulers and politicians had not this early intellectual groundwork been done. Rights would be no more than elegant opinions if some stable rational ground had not been developed by the early Greek thinkers. Once the idea of rights began to make sense in a way that was consistent with many other forms of human experience, it was then possible for governments to promote them.

Feminist theorists complain that male thinkers such as Socrates, Plato, and Aristotle have skewed the standards of philosophical reasoning in favor of men. The oppression of women is widespread and very evident and feminists are therefore skeptical about the historical emphasis on the

development of male thinking. Feminist Katherine MacKinnon suggests, for instance, that “human rights principles are based on experience, but not that of a woman.”⁷⁹ Ostensibly, since she experiences a different world, the ethical system she might construct might not correspond to the logics of male thinkers such as Aristotle. The view that morals and subsequently that right grants stem from the experience of men suggests there are two distinct moral views of the world. What such a proposal does not take into account is the androgynous nature of pure reason. Pure reason is a synthesizing of all gender thought. The object of reason is to faithfully reproduce “what is” extant in the natural environment. For example, it has been universally observed (by both men and women) that tigers in the wild are dangerous. They can kill or maim human beings if people are not careful. Another example of a gender-neutral moral perspective might be that drinking and driving is dangerous to the life of the driver and to others. Instead of attacking male philosophers as the primary source of political oppression, feminists might want to examine the nature of the Socratic method of reasoning about truth and falsity in political and personal argumentation that may favor a man’s experience over that of a woman.⁸⁰ The view that argumentative techniques can unfairly take advantage of women is only a valid proposition if it is true that women experience, feel, and reason differently than men.

The Evolution of the Modern Sense of Rights⁸¹

In the thirteenth century an unexplained linguistic transformation in the word “right” occurred. It changed from “the Roman term *ius* ...(roughly, what is right, just, lawful) to its late-medieval and modern sense: a power, liberty, immunity, or claim...”⁸² There were four other events that influenced the development of the concept of rights during this period. First, there was the rise of Christianity and the fall of the Roman Empire. Christianity brought with it the concept of compassion and ascribed a sense of dignity to all human beings. Second was “the rise of universities; a broadening of education accelerating the unfoldment⁸³ of human potential and inspiring new social ground for greater liberties to manifest themselves.”⁸⁴ Third, was the European “reception of the complete works of Aristotle in Latin translations.”⁸⁵ The fourth event, and most influential in the development of the concept of rights, was the emergence of the great

philosopher Thomas Aquinas.

Aquinas synthesized a mixture of Christianity and Aristotelian logic into a warmer view of humanity that allowed for a more caring view of humanity to develop. If rights did exist, then they were not to be derived by cold analysis, but were something more intrinsic and permanent. Since he was also involved in religious thought he had the difficult task of reconciling secular Greek thinking with religious beliefs and producing ideas meaningful for both perspectives. He based his view of the world on natural law in such a way that in the absence of divinity, nature played the role of representing the immediate will of God. The laws of nature, being so consistently applied and universally applicable, could be intuited by any person who needed to know right action from wrong.⁸⁶ To Aquinas, when people acted in accordance with nature they acted in accordance with principles of reason that addressed cause and effect relationships implied in the consistency of natural law. Those familiar with Aquinas might note that the sense of interpreting Aquinas is slightly distorted to shed light on the issue in a different way.

There are two problems that seem to emerge from Aquinas's theory, the first being that while he stressed reason in coming to terms with natural law, these laws were to be known intuitively, not rationally. This appears to be a regression from the Socratic disdain for acting from emotions, which to Socrates "were an obstacle to both objectivity and autonomy."⁸⁷ The second problem with Aquinas's natural law theory is that he viewed the laws to be self-evident, yet left no real clue as to why they should be considered self-evident. This is important to note because to this day political theorists continue to view rights as self-evident without reviewing the foundations of such claims. While social contract theory builds a temporary foundation, a more permanent idea of human rights must be of considerably better construction.

Had Aquinas pursued the idea of virtue, autonomy, and reason in another way, some of the puzzle of self-evidence might have revealed itself. One way of describing what he was attempting to say is that humans, having lost touch with their essential nature⁸⁸ because of deceptions that arise from self-serving habits, strive to reconnect to it in order to more deeply understand their existence. What prevents humans

from getting in touch with their essential nature is the force of their self-serving passions that guide their thinking and behavior. In such a state they are being neither reasonable nor objective. In order for people to find meaning, on the one hand they must attend to their self-regarding duties and survive, while on the other hand they must not allow their selfishness to separate them from the greater meaning to be found in being part of humanity. For instance, when large sums of money are at stake in a morally questionable deal, the self-evidence of the immoral act diminishes in inverse proportion to how much money can be made by redefining immorality as a wise business investment.

When one is talking about nature, they are also talking about a highly contingent, interrelated living system of causes and effects. The natural laws that Aquinas and other thinkers have attributed to nature probably can be represented as relational terms of cause and effect. If you kick a tiger, you provoke a situation in which your life is in danger. If you hit a man, he might hit you back or find some other means of expression to convey his displeasure. One causal relationship that repeatedly manifests itself in societies is revolution. The relationship here, in terms of natural laws, is that people have power. If you abuse and degrade them, they may strike back. It is prudent for exploitative governments to be wary of the power of its people in the same way a person should be wary of tigers in the wild by giving them a full measure of their own space. The French and American revolutions, therefore, are lessons in natural law demonstrating the inherent power of simple people to radically alter the destiny of their nations.

The Eighteenth-Century Transformation in the Concept of Rights

The French and American revolutions brought many beneficial changes to the notion of personal rights.⁸⁹ These political upheavals inspired strong emotions regarding the issue of individual people possessing rights. Citizens were more educated, more mature, and more in communication with each other than in any previous time of social change. And the revolutionary change was fueled by a powerful pathos for human beings that spread like fire on two continents, marking perhaps the beginning of the modern human rights movement.⁹⁰

At the time of their first constitutional proclamation and justification, human rights were legal entitlements that, unlike

other entitlements, developed pathos and triggered intense motivations. Both in the United States and in France, the majority of those who acknowledged and justified human rights, and who acted in accordance with them, were of the opinion this pathos and motivation were supported with good reasons. Human rights, they believed, were based on valid, universal norms.⁹¹

The political writings of three men profoundly influenced this revolutionary change in the perception of rights. They were: Thomas Hobbes, John Locke, and Jean Jacques Rousseau. All were influenced by natural law theory. Hobbes was known for his conceptualizations of man rising from a raw state of nature, developing laws, and entering into early forms of contracts that served to keep the society from tearing itself apart. Locke is best known to Americans for his statement that “All men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness.”⁹² Rousseau is best known for his social contract theory. This theory gave substance to the idea of rights because rights were the natural product of social agreements. The presence of statutory law evidences this contractual nature of society in all generations. The informal representation of contract theory can be found in moral, manner, and customary rule systems that vary from culture to culture. The fact that it could be said that some rights derive from certain human agreements was an important evolution in rights theory, since rights were no longer a function of opinions but rather something more real and enduring in the construction of society.

Feminists have argued that while the social contract may be a workable conceptualization of a rights theory, it only tells half the story.⁹³ Carole Pateman in *The Sexual Contract* does not see women as having been party to the original contract. Pateman uses the examples of marriage, slavery, patriarchy, and prostitution to make her case for women’s exclusion from the social contract. Its rationales appear to defend the right of the prostitute to contract out her sexuality in exchange for money; such an act can be performed without any detriment to herself, yet radical feminists might argue to the contrary.⁹⁴ She points out that “prostitution is unequivocally defended by contractarians;”⁹⁵ and that some “defenders of prostitution claim some reforms are necessary in the industry as it exists... Nevertheless, they insist that ‘sound prostitution’ is

possible.”⁹⁶

While some feminists may not appreciate the value of the contractarian approach, it is a good ally for prostitutes’ rights activists seeking equal justice under the law in a traditional society. For example, Pateman points out the contractarian nature of surrogate motherhood. If a woman can contract out her reproductive capacities, this may ultimately work to the advantage of prostitutes. The sexual and contractual nature of surrogate motherhood in one sense finds its analog in prostitution and therefore the legalization of surrogate motherhood may someday open the door to the decriminalization of prostitution much wider.⁹⁷ Another area Pateman illuminates well is the contractual nature of prostitution that is distinct and separate from wage earning that Marxists find offensive, oppressive and exploitative.⁹⁸ Returning to the central issue of the development of rights during the eighteenth century, it could be said that the doctrine of the social contract helped to radically accelerate the human rights movement. It inspired a fundamental transformation of the doctrines of natural law into a doctrine of natural rights. In earlier centuries the focus of right was upon a broader vision of natural law. Later, the focus shifted from natural law to natural right. “The assertion of natural rights came at the time when the social contract theory of the origin of government joined itself to the doctrine of natural law.”⁹⁹ What is important to note about the political doctrines of this period is the emphasis on natural rights, inalienable rights, and the self-evident nature of laws. For the first time in the development of rights theory, the idea of the social contract provided reason as to why some rights might be self-evident.¹⁰⁰ Although rights that derive from contractual agreements make sense, their substance is nevertheless elusive when analyzing them in the context of life, liberty, and the pursuit of happiness. Although it is difficult to pin down any source of authority for such rights assertions, it is possible to claim that the theories of Hobbes, Locke, and Rousseau produced strong affirmation of the belief that human rights are real and, possibly, inalienable.¹⁰¹ United Nations

The formation of the United Nations marked a new chapter in the development of human rights. In 1948 the General Assembly declared in the preamble, “Whereas recognition of the inherent dignity and of the equal and inalienable rights of

all members of the human family is the foundation of freedom, justice, and peace in the world....”¹⁰² The world now is conceived of as one large family in which everyone has a recognizable part. It is theoretically a warmer and more caring view of the role of governments in which humans do not exist merely to be exploited by the powerful, but rather are a meaningful part of the world.

Prostitutes benefited by the formation of the United Nations. In 1949 there was the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. In the preamble there is a human rights claim that is of sufficient quality to serve as the cornerstone for later ideas concerning prostitutes’ rights: “Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community....”¹⁰³

When the United Nations speaks of human rights it speaks as if an authority exists to substantiate its claims. Rights appear to be viewed through the lens of more experienced and prosperous nations. These nations have discovered by hard work and experience that certain methods of treating people are better than others if peace, prosperity, and productivity are the desired end of government. Even though experience may demonstrate that liberating people produces gains for all concerned, this perception does not provide explanation of the source of moral authority that confirms that humans are in fact owed basic human rights.

If one takes a biological approach to reasoning human social systems, there lies at least a first approximation of an answer. Theodosius Dobzhansky views human cultures as an “instrument of adaptation.”¹⁰⁴ The idea of rights can be transposed into a biological theory by this thinking. The most promising way of doing so is by using Living Systems Theory to construct a model of social reality that views people and their governments as an extension of seven hierarchical¹⁰⁵ levels of systemic organization. There are seven biological levels: the Cell, Organ, Organism, Group, Organizations, Society, and Supranational systems.¹⁰⁶ An example the author gives relating to the first supranational system is the worldwide postal system (UPU).¹⁰⁷

The United Nations evidences the evolution of a new form of supranational system.¹⁰⁸ It is now one of the highest forms

of human organization. Among its intents is to minimize conflicts and maximize prosperity for all. In this sense it addresses first-order survival concerns of the human species and not only derives authority from that relationship but also from the relationship with natural order in the biological realm. By virtue of its function, it is endowed with a degree of natural authority to make laws and create order in the world.¹⁰⁹ And, its authority will endure so long as its function to increase the peace, prosperity, and productivity of all nations and people is upheld. The history of the development of rights is yet unfinished and we will not know what they are until this chapter in history is closed. What once were proclamations based upon beliefs now portend a reality in which their substance will be considered “real.” The problems that philosophers have experienced down through the ages, requiring them to speak consistently, concisely, and in correspondence to many other well-regarded theories is now an intellectual challenge the United Nations must face if its proclamations are to be respected and are to inspire enduring support from the world.

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Prostitutes benefited by the formation of the United Nations. In 1949 there was the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. In the preamble there is a human rights claim that is of sufficient quality to serve as the cornerstone for later ideas concerning prostitutes’ rights: “Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community...”¹⁰³

When the United Nations speaks of human rights it speaks as if an authority exists to substantiate its claims. Rights appear to be viewed through the lens of more experienced and prosperous nations. These nations have discovered by hard work and experience that certain methods of treating people are better than others if peace, prosperity, and productivity are the desired end of government. Even though experience may demonstrate that liberating people produces gains for all concerned, this perception does not provide explanation of the source of moral authority that confirms that humans are in fact owed basic human rights.

If one takes a biological approach to reasoning human social systems, there lies at least a first approximation of an answer. Theodosius Dobzhansky views human cultures as an “instrument of adaptation.”¹⁰⁴ The idea of rights can be transposed into a biological theory by this thinking. The most promising way of doing so is by using Living Systems Theory to construct a model of social reality that views people and their governments as an extension of seven hierarchical¹⁰⁵ levels of systemic organization. There are seven biological levels: the Cell, Organ, Organism, Group,

Organizations, Society, and Supranational systems.¹⁰⁶ An example the author gives relating to the first supranational system is the worldwide postal system (UPU).¹⁰⁷

The United Nations evidences the evolution of a new form of supranational system.¹⁰⁸ It is now one of the highest forms of human organization. Among its intents is to minimize conflicts and maximize prosperity for all. In this sense it addresses first-order survival concerns of the human species and not only derives authority from that relationship but also from the relationship with natural order in the biological realm. By virtue of its function, it is endowed with a degree of natural authority to make laws and create order in the world.¹⁰⁹ And, its authority will endure so long as its function to increase the peace, prosperity, and productivity of all nations and people is upheld. The history of the development of rights is yet unfinished and we will not know what they are until this chapter in history is closed. What once were proclamations based upon beliefs now portend a reality in which their substance will be considered “real.” The problems that philosophers have experienced down through the ages, requiring them to speak consistently, concisely, and in correspondence to many other well-regarded theories is now an intellectual challenge the United Nations must face if its proclamations are to be respected and are to inspire enduring support from the world.

The Development of Prostitutes’ Rights

The need for prostitutes’ rights stems from past abuses. It is not an imaginary need, but rather an appeal for the uniform application of the laws to include everyone in the society equally. In order to formalize existing grievances The International Committee for Prostitutes’ Rights was formed by Margo St. James and Gail Pheterson. In their charter on prostitutes’ rights, protection from fraud, coercion, and violence are demanded as fundamental rights of a human being. ICPR’s efforts essentially parallel the doctrines of the United Nations Charter on Human Rights of 1947. Much of its idealism is carried over into ICPR’s mandates.

Gail Pheterson’s idea of simple human respect is concise and compellingly relevant. One should not easily overlook the fact that prostitutes, like everyone else, are people with children to feed, bills to pay, health needs, and so forth.

Getting societies around the world to recognize that prostitutes deserve equal protections under the law has perhaps been one of ICPR's most pressing problems.

Sexworker activists believe that if the laws are changed to decriminalize or legalize prostitution, prostitutes will finally be treated much better than they have in the past.

It is not unknown for prostitutes to be harassed, exploited, beaten, and even murdered while the authorities do virtually nothing about such crimes. The penalty for committing an act of prostitution does not seem to fit the crime. A person who commits a felony by beating a prostitute is not viewed with the same severity as another who commits a statutory misdemeanor. This inversion of legal priorities is not unlike some practices in many states where drug addicts are denied legal access to sterile hypodermic needles, forcing some of them to share the ones they have with HIV-positive addicts. They are condemned to death for a crime that in no way indicates such punishment. Hundreds of thousands of women are trafficked in prostitution in a world that prides itself on being civilized and affirms it so, for example by censoring the e-mail of a New York human sexuality professor for sexual content. The slavery of a significant number of women seems to be meaningless, whereas the sexual content of private correspondence is somehow meaningful. Something certainly is wrong in a world in which such extreme contradictions exist. ICPR's stand on prostitution is a serious call to reason for civilization to answer for its behavior concerning the bad treatment prostitutes are experiencing. Passions and prejudices still rule the thinking of courts and the police.

Until there is universal and equal application of the laws the world cannot be considered civilized. The idea of democracy seems more a fiction than a reality, in a world where there are always laws, but not always justice. Apparently, until society matures, prostitutes will have to be patient and seek gradual improvements in their rights.

While Gail Pheterson may wish simple respect for prostitutes, there are other factors at work that may slow the recognition of prostitutes' rights. These problems are outlined in another writing entitled Social Assimilation Theory.¹¹⁰ The general thrust of assimilation theory is that until the values and standards of communication of those on the fringes of society match the values of the mainstream society, their rights and protections under the law cannot be reasonably manifest. It

takes a certain degree of involvement in society to be recognized by that society and thereby to develop sufficient connections for mutual benefit of the protections of the law. Radical feminists insist that changing attitudes is a way to overcome oppression. This astute observation concerns certain aspects of oppression, but human beings obviously are not machines; they have emotions and personalities that must be addressed in order to effectuate attitudinal and manifest change. Police are by no means exempt. If people desire a change in attitudes they must first recognize attributes of their own actions that inspire a backlash of political resentments that can infringe upon their rights and liberties. People like the police have jobs to perform, but it can be difficult to get them to do their job in spite of what the laws requires if their fundamental humanity is not correspondingly recognized by their antagonists. This is where attitude is a crucial element in broadening equal protection under the law for prostitutes. If prostitutes want change, they can help facilitate that change by realizing that the behavior of one prostitute affects the image of all prostitutes. In other words they must present themselves in the best light to the public wherever and whenever they can. Changing the public attitude is an achievable goal. A more positive attitude on the part of prostitutes towards the police might be of some help in breaking the vicious circle of disrespect that exists between the two. This is difficult to achieve, particularly in nations where the police are truly corrupt. But a good-natured attitude will probably do more for illuminating the better things the profession represents than incessantly complaining, blaming and accusing others for their problems. If prostitutes and their representatives address the problems they face in a direct, legalistic and compelling fashion, the police, as well as other members of the larger society, will no longer be able to avert their gaze from the cruelty and the criminality visited on prostitutes. Thus the emphasis will be to go after the actual criminals rather than the prostitutes on whom crime and criminality is committed.

Conclusions

The resources of prostitutes to wage an effective campaign to secure their rights are only limited to the extent that they must be careful to suppress the excess of emotion and to promote

the careful reasoning of their political strategy. It is not only a political war of overcoming ignorance, prejudice, and abuse, it is an intellectual effort as well. Reason is most effective in winning the minds of the public, while carefully and honestly crafted emotions may influence society to begin to accept the inherent dignity and decency of prostitution. Prostitution could be decriminalized sooner than expected if the courts continue to grant women more and more liberty in the control of their own bodies. In addition, the construction of a more refined social contract theory could inspire changes in legal thinking as well. For now, perhaps the best hope for prostitutes is to encourage the growth of a world organization structured in the traditional way. As illustrated in Living Systems Theory, greater social power comes with an increase in organization, communications, and the proper ordering of priorities. A world organization of prostitutes falls under this description as well. While such a world organization may be slow and relatively ineffectual in the beginning, it ultimately could gain the necessary political power to achieve its ends for prostitutes.

Footnotes

1. Katrarina Tomasevski, ed., *Women and Human Rights* (London and New Jersey: Zed Books Ltd., 1995), p. 1.
2. Phillip K. Howard, *The Death of Common Sense: How Law Is Suffocating America* (Warner Books, 1994), p. 33.
3. ICPR is now called the Network of Sexwork Projects.
4. Gail Pheterson, ed., *A Vindication of the Rights of Whores* (Seattle Washington: The Seal Press, 1989), p. 4.
5. Gail Pheterson appears to be a power-focused feminist rather than a care-focused feminist. The former attributes the oppression to arise out of a fundamental struggle between men and women for the domination of social policy and laws. Rosemarie Tong distinguishes between the two in the sense that “power-focused feminist approaches to ethics ask questions about male domination and female subordination before they ask questions about good and evil, care and justice, or mothers and children.” Rosemarie Tong, *Feminist Approaches To Bioethics: Theoretical Reflections and*

Practical Applications (Westview Press, 1997), p. 48. Apart from Tong's arguments it could be said that power-focused feminism uses oppression as the central argument, when it should be focused on the issue of immorality. Men characteristically do things that perpetuate their power and ability over women in small ways. But, oppression in the sense of being mean and hurtful derives from immorality and should be examined in an ethical context and not in the context of a political view of behavior.

6. A sense of this is to be found in the statement by Gail Pheterson, "Remove the whore stigma from sexual economic exchange and the 'prostitution' evaporates." Gail Pheterson, *The Prostitution Prism* (Amsterdam, Amsterdam University Press, 1996), p. 8.

7. Stephen Shute and Susan Hurley, eds., *On Human Rights: The Oxford Amnesty Lectures 1993* (Basic Books, 1993).

8. *Ibid.*, p.112.

9. A sense of higher civilization is expressed in a statement made by the United Nations. "Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution is incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community." "Preamble of the 1949 Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others." *Yearbook of the United Nations* (Lake Success, New York: United Nations Department of Public Information, 1948-49), p. 613.

10. Sexual politics often uses the word "stereotype" which is not a desirable way of reasoning the fine details of an argument. But it is a word in common practice that people are familiar with and has practical, but limited use. A stereotype involves the use of a word that refers to an unreasoned belief, or unreasoned prejudice. Stereotypes are manifest most often from feeling rather than from reasoned thoughts and the two should not be confused. The word "stereotype" does not necessarily imply that what is being observed is always and absolutely untrue. A discernible archetype of human behavior might appear to be a stereotype, but it is not a stereotype in the conventional sense of the word.

11. The word "spin" can be used in both a positive and negative sense. In common usage it means aligning one's arguments to conform to a strategy that enhances the image of the idea a person is attempting to sell to the public. But also

included in this negative sense can be calculated misrepresentations and even outright lies to make the political arguments more persuasive. In a positive sense the word has come to represent “a political strategy” that is well-reasoned to accommodate the genuine needs of a political issue.

12. In *The Prostitution Prism* two references are appropriate here. “Prostitutes are portrayed as shady women regardless of their color.” p. 71. Other beliefs assault the mental state of prostitutes, and this of itself is a most difficult stigma to overcome while at the same time attempting to construct rights arguments claiming prostitution as a proper activity. “Prostitutes are dishonored by psychological theories which consider them to be psychiatrically disturbed.” p. 80.

13. *The Death of Common Sense*, p. 33. Another example of the regressive nature of some rights activism is outlined in the conclusions of Imelda Whelehan. *Modern Feminist Thought: From Second Wave to ‘Post-Feminism’* (Washington Square, New York: New York University Press, 1995), pp. 238-247.

14. R.G. Frey, ed., *Utility and Rights* (Minneapolis: University of Minnesota Press, 1984), p. 20.

15. Rebecca J. Cook, ed., *Human Rights of Women* (Philadelphia: University of Pennsylvania Press, 1994), p. 60.

16. Howard does not specifically use the idea of rhetoric to enumerate his thesis. However, the message appears essentially the same if you think of what he is saying in terms of rhetoric.

17. *The Death of Common Sense*, p.150.

18. MacKinnon in D. Kelly Weisberg, ed., *Applications of Feminist Legal Theory To Women’s Lives: Sex, Violence Work, and Reproduction* (Philadelphia: Temple University Press, 1996), p. 222.

19. *A Vindication of the Rights of Whores*, p.194.

20. Stevi Jackson, and Sue Scott, eds., *Feminism and Sexuality: A Reader* (New York: Columbia University Press, 1996), p. 355

21. Carole Pateman presents argumentation as to why prostitution is a valid form of employment from a contractarian viewpoint. Carole Pateman, *The Sexual Contract* (Stanford, California: Stanford University Press, 1992), pp.189-218. Priscilla Alexander’s argument sounds similar to another expressed in Pateman’s book. “The Left and Right, as well as some feminists, share the assumption that the prostitute’s work is exactly the same kind as any

other paid employment. The prostitute merely works in a different profession and offers a different service (form of labor power) from that of a miner, electrician, secretary or assembler of electronic goods.” The Sexual Contract, p. 201.

22. The logical foundations for this assertion can be found in S.E. Bromberg, *The Evolution of Ethics: The Biological Roots of Ethics* (Berkeley: Dianic Publications, 1996). Take for example the oversimplified belief of an alcoholic who claims he has the right to drink as being morally justified. The consequences of his actions are not always included in his perception of personal propriety. He is not concerned with getting in a car and killing someone or being killed, he is more involved in an immediate need to consume alcohol. The consequences of drinking and driving are fairly well known. Since there is a large body of evidence linking the driving of a car under the influence of alcohol with accidents and deaths, the emergent moral view that arises from this knowledge makes a claim that drinking and driving is wrong; it is not “who” is to say what is right or wrong, it is “what” is to say is proper, and the scientific facts link accidents with intoxication. Part of the view that sees prostitution as being morally wrong is founded on the experiences of many people over centuries of time that have found the presence of prostitution in society to be accompanied by problems not usually associated with other forms of employment. Overwhelming evidence in texts about prostitutes cites the many abuses prostitutes suffer. Prostitution can be an extremely dangerous profession. While it may not be dangerous for highly intelligent people who have skills to assert themselves, the larger body of sexworkers is more vulnerable to exploitation and abuse. In this light, if society is to optimize its investment in its people as well as parental investment in their children, a moral view evolves to guide young people away from problem activities. Morality involves the view, supported by years of experience and observation, that certain activities are better than others. The wrongness of prostitution is misinterpreted to mean the same as moral condemnation. It is this practice of viewing prostitution as a manifestation of condemnation that likely contributes to the harsh stigmatization and abuse of prostitutes.

23. In normal philosophical expression this might be considered a second-order consideration. However, in later

paragraphs a case is made on purely biological grounds that rights issues are a fourth-order concern.

24. In books such as *The Prostitution of Sexuality*, claims are made that prostitutes are frequently assaulted. Other critics claim that prostitution is no more hazardous than an ordinary occupation. However, when you narrow the field of study to street prostitutes and particularly ones who work late into the night in dangerous neighborhoods, the possibility of there being harm done radically increases. Not only are the streets dangerous but the rooms and hallways of boarding houses and hotels can be treacherous. If a person is new to prostitution, the dangers can be extreme. If a person has lived in an environment where they are frequently in contact with prostitutes and learns something about the danger before becoming a prostitute, they are not in as much danger. Living in an environment where a person lives under the threat of harm and predatory intrusions is a twenty-four hour a day problem, whereas a construction worker only has to deal with the dangers of his or her trade eight hours a day.

25. Paul Tillich, *Morality and Beyond* (New York, Hagerstown, San Francisco, and London: Harper Torchbooks, 1963). "Deliberation and decision are the hallmark of freedom." p. 21.

26. Gerald Dworkin, *The Theory and Practice of Autonomy* (Cambridge University Press, 1988), p. 12.

27. "Aspasi (c. 470-410 B.C.) was one of the most effective women's liberationists of all time." James L. Christian, *Philosophy: An Introduction to the Art of Wondering* (Corte Madera, California: Holt, Rinehart and Winston, 1977), p. 39.

28. Virginia Sapiro in Maria J. Falco, eds. "Feminist Interpretations of Mary Wollstonecraft," (University Park, Pennsylvania: The Pennsylvania University Press, 1996), p. 35.

29. There is a problem if feminists go too far in rejecting Aristotelian ethics since the theoretical underpinnings of a social theory promoting the freedom of choice would be affected. Briefly, Aristotle says, "Moral virtue implies that an action is done...by choice: the object of choice is the result of previous deliberation." Aristotle, *The Nicomachean Ethics* (Oxford, New York: Oxford University Press, 1992). p. 53. Choice is bound up with virtue leading to a substantial theory of rights that are fair to both men and women. A theory of abortion, for instance, is dependent in part on such a

perspective to support the legitimacy of the right to have an abortion. For persons wondering whether the alleged male-centering of Aristotle's logics is true they should look over what Aristotle actually says in his relatively easy to read book, "The Nicomachean Ethics."

30. Dictionary of Feminist Theologies, (Louisville, Kentucky: Westminster John Knox Press, 1996), "Androgyny has been claimed by some contemporary feminists as an ideal of humanity. They use the term androgyny to refer to the state of a single individual who possesses both traditionally masculine and traditionally feminine virtues." p. 8.

31. Feminist Interpretations of Mary Wollstonecraft, p. 35.

32., Ibid., p. 35.

33. Stephen Nathanson, The Ideal of Rationality: A Defense Within Reason (Chicago and La Salle, Illinois: Open Court, 1994). p. 10.

34. The Nicomachean Ethics, pp. 48-63.

35. The Ideal of Rationality, p. 10.

36. Rationality or reason should be considered in the light of Mary Wollstonecraft's idea of it. "By cold reason she meant not cold logic or calculation, but thinking moved by virtuous sensibility." Feminist Interpretations of Mary Wollstonecraft, p. 35.

37. Ibid., p. 11.

38. Many social theories overlook personal responsibilities and shortcomings when assuming that a class of people is oppressed. If oppression truly relates to problems in the lives of individual people, it is not mass oppression, but individual ignorance that must be overcome. It is difficult to cede self-determination to people when what they may need is enlightened guidance. A state of ignorance frustrates a person's attempts to be autonomous. To Aristotle, "Everything done in ignorance is not voluntary." The Nicomachean Ethics, p. 50. Autonomous decisions are voluntary ones, not ones induced from forces outside the person.

39. See the book The Theory and Practice of Autonomy, p. 28, for a discussion on the indirect linkage between autonomy and responsibilities.

40. The idea that rights and obligations bear a direct relationship to each other is sometimes disputed. "The law of nature turns out to be first and foremost concerned with 'right' of self-preservation, and only secondarily or

derivatively with 'duty' to others...." John A. Simmons, *The Lockean Theory of Rights* (Princeton, New Jersey: Princeton University Press), p. 68. The theoretical linkage between rights and obligations is discussed later in *Social Assimilation Theory*.

41. S.E. Bromberg, *The Evolution of Ethics: The Biological Roots of Ethics* (Berkeley: Dianic Publications, 1996). A term used to illustrate fully the evolution of ethical systems in the world from earliest times until the present.

42. Or in a Kantian sense, to ignore one's own self-regarding duty.

43. Thomas Hobbes, writing on the citizen in 1651, projects a view of man in the bare state of nature (before civilization) as constantly in conflict with all other men and therefore requiring contracts of citizenship and rules of morality and government to prevent the logical conclusion of total conflict (death), thus satisfying the citizen's nascent self-interest. Society, therefore, facilitates the institutionalization of rules for competition within the state. All individuals obey such rules which permit them to pursue a truncated form of self-interest in exchange for the hope of self-preservation." Imelda Whelehan, *Modern Feminist Thought: From Second Wave to 'Post-Feminism'* (Washington Square, New York: New York University Press, 1995), p. 27.

44. In the early 1980s a woman on the Berkeley Board of Police Commissioners was so traumatized by seeing a sexual act in a car in front of her house that the police clamped down on prostitution severely for the next fourteen years.

45. 1,300 pages of a local telephone book is the equivalent of 1.5 inches. If there are 565 entries on a page and 265 million people to be listed the net result would be 469,000 pages. If you considered there were, for example only 2.6 billion people in the world old enough to have active hormone flows, the book would be at least 450 feet thick. 5 billion people would be 900 feet thick. The vast majority of people listed would not understand selling their sexuality for money.

46. Sarah Bromberg, *Homosexuality, Ethics, and Military Policy*, (Unpublished manuscript, 1995). The idea of discretion is explained in more detail as to why people involved in sexual activities must be discreet.

47. The lack of education is one of many first- and second-order causes for the presence of oppression in society. It is important to note that oppression is a complex idea, not a

simple one easy to define. Nevertheless it is crucial to uncover the actual sources of oppression and not take the easy way and blame something else. Simone Weil says, "Marx finally came to understand that you cannot abolish oppression so long as the causes which make it inevitable remain."

Simone Weil, *Oppression and Liberty* (Amherst: The University of Massachusetts Press, 1973), p. 57.

48. "Not all problems deriving from inhumanity or selfishness and stupidity are human rights problems." James W. Nickel, *Making Sense of Human Rights* (Berkeley, Los Angeles, and London: University of California Press, 1987), p 4. Street prostitutes who are sometimes immature make errors of judgment when doing business. If a predatory game-state arises in which the client feels he is being cheated and toyed with, the prostitute is in danger.

49. "Distancing begins with separation of self from family, home, and worlds of social legitimacy...Distancing is an interrelated part of a complex web of other damaging, harmful effects of prostitution on women and girls. It causes women to become estranged from themselves in order to save themselves." Kathleen Barry, *The Prostitution of Sexuality* (New York and London: New York University Press, 1995), p. 30.

50. Seasoning techniques of pimps: "Targeting emotionally and/or economically vulnerable women, fostering trust and dependency by feigning love and friendship, and using overt acts of physical and sexual abuse." *The Prostitution of Sexuality*, pp. 121-122.

51. *Dictionary of Feminist Theologies*, p. 123.

52. *The Theory and Practice of Autonomy*, p. 20.

53. Some prostitutes may have to unlearn an attitude they learn in prostitution to later assimilate. "Once a woman has 'turned a trick,' she knows herself as an outcast (or in some few cases, namely, those women who promote prostitution, outcast takes the form of outlaw). *The Prostitution of Sexuality*, p. 30.

54. Stephen Nathanson, *The Ideal of Rationality: A Defense Within Reason* (Chicago and La Salle, Illinois: Open Court, 1994). Discusses prostitution as a less than efficient choice.

55. While this premise may appear to be simple it suggests certain theoretical models that go beyond description of utility alone. Cultures are a system of many subsystems all of which more or less develop at the same time. If technological

and intellectual developments are not well synchronized across the broad segment of society, the growth of a nation is impeded. Imagine how computers would have developed if the technology for producing hard disks and floppy disks lagged twenty years behind the development of microprocessors. The need for advancements to be contemporary across a wide spectrum of education and technology makes it essential to recognize the merit of the idea of a prudent policy of the deployment of national resources and talents.

56. The average age of entry into prostitution is fourteen. D. Kelly Weisberg ed. *Applications of Feminist Legal Theory to Women's Lives* (Philadelphia: Temple University Press, 1996), p. 94.

57. For example it could be said that the hedonistic allure of pornography has a detrimental effect upon the civility of men; thus the need for society to elevate itself generally by getting its citizens to focus on higher things in life than prurient pursuits. Some forms of hedonism may push a person away from refined tendencies towards more aggressive ones.

58. Survival considerations are an example of a first-order consideration and have prior right over simple fourth-order concerns. Second-order considerations involve the underlying social principles of utility and valuation that assure the survivability of the species, cultures, groups and individual people. Third-order considerations are ideas and knowledge of the human mind such as philosophy, supported by the socio-historical perspectives about humans and the world they live in. The ethic of care is a function of third-order philosophy and so it has third-, and fourth-order characteristics. The fourth-order category addresses efficiencies in human actions which promote survival in which a degree of peace and security benefits all.

59. If a person uses a computer often, a well-written software program will reveal a consistency to its construction that allows a person to estimate or intuit features about that program that they did not know in advance by reading an instruction book. Traffic laws are much the same. There is a consistency in their design and application that allows a person to reasonably estimate lawful driving and unlawful driving.

60. "Culture is an instrument of adaptation which is vastly more efficient than the biological processes which led to its

inception and advancement.” Theodosius Dobzhansky, *Mankind Evolving* (New Haven and London: Yale University Press, 1962), p. 20.

61. See James Grier Miller’s *Living Systems* for a detailed description of how organisms organize and seek higher and higher levels of efficiency and communication.

62. There are exceptions to this such as Germany in the 1930s, which whipped up social spirits to build a strong nation. However, it was not an enduring and reliable approach in the long term.

63. Rights grants are a two-way street. Sometimes society acts from the heart and seeks to liberate people in a way that is impractical given the immaturity of those they have granted rights to. Thus, rights-restrictions are also an integral part of a society attempting to get the best out of its citizens while promoting the overall good of the society.

64. In biology the benefits of symbiotic relationships improve the health of the entire cooperative.

65. Leo Strauss, *Natural Right and History* (Chicago and London: University of Chicago Press, 1965), p. 82.

66. *Ibid.*, p. 82.

67. According to Vlastos, “There is no special word for rights in Plato’s mother tongue—no word that corresponds to ours, behaving as it does in all the contexts in which we speak of rights.” Gregory Vlastos, *Socrates, Plato, and Their Tradition*, vol. II (Princeton, New Jersey: Princeton University Press, 1995). p.124.

68. *The Ideal of Rationality*, p.10.

69. *Natural Right and History*, p. 84.

70. “In books 2 to 7 of the Republic...Plato undertakes to do something never previously attempted in the history of the West; to determine on purely rational grounds all of the rights which all of the members of a particular society ought to have.” *Socrates, Plato, and Their Tradition*, p. 104.

71. *Ibid.*, p.142. Stressing excellence optimizes the survivability of humans and their societies in a way mere freedom cannot and so in this biological sense is a higher value. But, there is a counter-balancing idea implied in prostitution itself. In a subjective perspective watching street girls is like looking through a window back in time where women were free in nature to choose their lifestyle unencumbered by tradition, fad, or cultural persuasion. In

today's world they might be likened to being nature's most troublesome daughters (in an enjoyable sort of way). A mother's ultimate challenge to get at least a little respect and attention out of their children who, like they, in the end do what they want to anyway. In this respect their whole meaning in life is founded on freedom, thus, they cannot live some other person's ideal of excellence. The absolute and higher meaning in their existence is freedom. However, for many people freedom can be too much of a good thing. If extended liberty diminishes the ability of a person or nation to survive, the good and happiness they seek will also be diminished. Reason, therefore, forces an equitable resolve between excellence and liberty.

72. Gregory Vlastos, *Socrates, Plato, and Their Tradition*, p.142.

73. *Ibid.*, p. 123. "...persons must earn their rights through productive labor."

74. Leslie Stevenson, *Seven Theories of Human Nature*, 2d. ed. (New York and Oxford: Oxford University Press, 1987), p. 32.

75. Locke's conceptualization of rights countered this. He believed instead that rights are something that "belong to men as men and not members of society." *Socrates, Plato, and Their Tradition*, p. 105.

76. "However, what the FR (Functional Reciprocity) principle cannot provide is a basis for substantively equal 'human rights'. It will justify rights only in those special cases in which the differences between groups of persons (such as difference of sex) are judged to be irrelevant to the value of their respective contributions." *Ibid.* p. 119.

77. "Among all of Plato's writings which have survived from the classical age of Greece, that work (*The Republic*), alone projected a vision of society in whose dominant segment the equal rights of human beings are not denied or abridged on account of sex." *Ibid.*, p.142.

78. To appreciate the complexity of Plato's ideas of rights and his reputation for embracing sexual stereotypes of women, refer to the chapter entitled "Was Plato a Feminist?"

79. Katherine MacKinnon in *On Human Rights: The Oxford Amnesty Lectures 1993*, Stephen Shute and Susan Hurley, eds., (Basic Books,1993), p. 84.

80. "Radical feminists claim the source of a woman's oppression derives in terms of the sexual power dynamic, for

the Marxist it is capitalism, for the socialist feminist from psychological and social factors. What is being said here is that another form of oppression can be ad

The Feminist Position on Prostitution

Type of Feminism	Source of Women's Oppression	Coercive Effects of Prostitution	Solution to the Social Presence of Prostitution	Role of the Woman as a Prostitute	Degrading Effects	Position on Decriminalization	Prostitution Should Be Eradicated
Radical	Sexual and procreative practices. Men are socialized to have sexual desires while women are socialized to be submissive. Source of oppression cultural not biological, therefore changing attitudes is desirable.	Prostitution is equated to be on the level of rape. Prostitution is slavery. All women are affected by the coercive, exploitative, and oppressive inclinations of men towards women. Coercion has cultural derivations rather than biological ones.	Eradicate male oppression. Change attitudes and promote social change towards greater equality between the sexes. If prostitution is to be illegal the client should be equally pursued by the law.	The prostitute is a victim of a system of male oppression. Prostitution is not a harmless private transaction. It affects all women.	Prostitution is degrading to the prostitute and to women in general. Prostitution is equated to be on the level of rape.	Against Decriminalization will not solve the problem. Changing men's attitudes and fostering social equality are more important.	Yes Eradicate inequality between the sexes by discouraging any actions that degrade all women.
Socialist	Social and psychological sources including sexual and procreative practices. Changing social and economic structurings desirable to eradicate oppression.	Women are coerced into degrading roles by the construction of social class systems. Without the presence of capitalism, women would choose other roles.	Seeks non-legal remedies such as changing the social structurings. When exploitative economic systems such as capitalism disappear, so will prostitution.	The prostitute is a victim of the system.	Prostitution is a corruption of the capitalist system.	Against It is more important to change the social structuring that cause prostitution in the first place. Socialists do not seek a legal remedy to prostitution.	Yes Eradicate exploitative economic systems such as capitalism. Focus on human needs in a more caring way.
Marxist	Class distinctions, corruption of wage labor, and capitalism.	The coercion is economic in its source. Wage labor is involuntary servitude and the subordination of the dignity of human beings, exacerbated by the definition of social and occupational classes.	Seeks non-legal remedies. When exploitative economic systems such as capitalism disappear, so will prostitution.	The prostitute is a victim of the economic system.	Prostitution is degrading of the dignity of humans caught in involuntary servitude to a system that unconsciously exploits people.	Against It is more important to attack the underlying cause of prostitution by eliminating capitalism. Marxists do not seek a legal remedy to prostitution.	Yes Eradicate systems like capitalism and prostitution will disappear.
Existentialist	Inequality of social freedoms. Improving individual liberties and rights are desirable.	Women are not coerced into prostitution. Prostitution can be a liberating and empowering experience. Where there is little freedom or few choices, prostitution is a good option. Biological differences important.	Encourages actions that liberate women as free human beings. Greater level of equality between the sexes is desirable.	The competent woman has a choice to be an entrepreneur and find methods to support herself.	Women of all descriptions and occupations possess extraordinary powers to overcome adversity. Prostitution is not degrading, rather it is empowering to women.	For	No
Liberal Unconditional Freedoms	Inequality of social freedoms. The need for education and reason to prevail as a solution. Improve society by promoting equal treatment between the sexes.	Prostitution derives from a natural biological urge. The prostitute acts of free choice. That choice can be seen as an ordinary business decision.	Conditions for prostitutes can be improved through education and in seeking greater equality between the sexes.	The prostitute is an entrepreneur contracting out her labor as is her right. As with any business her ability to thwart danger is dependent upon her awareness of the world.	Prostitution is a business. In all businesses there are degrading aspects that must be overcome.	For	No Prostitution is a civil right.
Liberal Freedoms With Moral Constraints	Inequality of social freedoms. The need for education and reason to prevail as a solution. Improve society by promoting equal treatment between the sexes.	In theory the liberal might object to the undue effect of cultural persuasion on uneducated women interfering in her search for autonomy, thus being a coercive influence in her decision making.	These liberals question the possibility that a prostitute can make an informed choice, given certain levels of educational and cultural awareness.	The prostitute is an entrepreneur with the right to contract out her services. Prostitution has problems associated with it and should not be encouraged.	Education, reason and equality between the sexes could improve the conditions of prostitution. Liberals hint there are probably better choices a woman could make.	Qualified	No Prostitution is a civil right but should not be encouraged.