argue that prostitution can be considered morally acceptable on the basis that it is not harmful, in a deontological Kantian sense, and that it is not unlike many other professions, in which a service is exchanged for money. In my discussion, I narrow prostitution to mean consensual sexual acts between two people in which one person performs a sexual service for monetary compensation. Whereas I do not want to attempt to define prostitution but rather evaluate its morality, I choose this narrow definition for the sake of clarity in my argument.

In the following examination of prostitution, I begin by summarizing philosopher David Benatar’s distinction between the “significance view” and the “casual view” of sex. With this distinction in mind, I deconstruct Kant’s theory that casual sex is morally unacceptable because it uses a person merely as a means without a subsequent end. Instead, I argue that sex does not al-

John McDaniel graduated in May of 2010 from Trinity University with majors in English Literature and Chinese Language. He plans to take a year off before going to a grad school to compare English and Chinese lit, which he hopes to use toward a future teaching position at some college or university. In terms of philosophy, McDaniel is particularly interested in Marxism, deconstructionism, and contemporary poetry. He enjoys finding links between philosophy and poetry and sees the two as two means by which truth and beauty can be understood or attained. Additionally, McDaniel is interested in the debates between socialism and capitalism, and individualism and collectivism. His favorite philosophy quotation comes from Charles Dickens: "Philosophers are only men in armor after all."
ways involve treating someone as merely a means. I also describe Irving Singer’s objection to Kant’s theory, which shows that, even if sex treats someone as merely a means, it does not always have to objectify him or her. After I have demonstrated that Kant’s ethical theory cannot set up a viable case against casual sex, I link casual sex to prostitution to show that it is morally acceptable to have casual sex and to sell it. I then reject objections raised by Melissa Farley and Howard Klepper, who want to claim that prostitution is always immoral. I conclude my argument by illustrating the similarities between prostitution and dressing up as a shopping mall Santa Claus, two jobs with common duties and uses of the body that should both be considered morally acceptable.

In order to contextualize Kant’s argument, let’s lay out what David Benatar calls the two ways of thinking about sex: the “significance view” of sex and the “casual view of sex”.

The “significance view” of sex regards sex as morally acceptable only if it occurs within the context of a loving relationship where there is “reciprocal love and affection,” because sex must serve to “signify love in order to be permissible.” By contrast, the “casual view” of sex basically denies the “significance view,” claiming that sex “need not have this significance in order to be morally permissible.” Under the casual view, sexual pleasure is like any other pleasure and should be subjected to the same moral constraints to which other pleasures are subjected.

With these two views of sex in mind, I will now examine Kant’s argument regarding the immorality of casual sex, showing that he ultimately takes the significance view of sex. In his Lecture on Ethics, Kant sets up his initial argument against casual sex by applying his deontological ethical theory to sexual desire. His ethical theory claims that a person should not treat another person only as a means without a respective end—end meaning personal autonomy as a rational agent in which goals, desires, and aspirations may be pursued. Kant applies this ethical theory to casual sex, claiming that it treats persons as a mere means without an end by way of reducing people to an “instrument of service,” by failing to recognize their autonomy.
Casual sex, Kant argues, involves a person reducing another person to an object—a heap of flesh—with which the person can satisfy a sexual “appetite.” He claims that the person who becomes the object of sexual pleasure during sex must sacrifice his/her body (and thus “humanity”) in its entirety in order to become the object of pleasure. He denies that a person can maintain his/her humanity by using only certain parts of the body in sex, claiming that these parts cannot be separated from the rest of the body in sexual interactions. He attempts to clarify the way in which a person sacrifices the entire body and humanity by claiming that a person does not have possession over his/her body. A person is a subject who owns things. A person cannot be a thing and a person at the same time. So, a person cannot be a thing to be owned. Thus, Kant argues that a person does not possess his/her body. Rather, a person and the body are synonymous and are simultaneously used or not used by other persons. Here Kant seems to reject Cartesian dualism of the body and mind, in that the body cannot be used in a certain way while the mind still possesses autonomy. His claim suggests that the mind and the body, when engaged in sexual activities, lose autonomy, because the person as a whole is objectified.

At this point, however, an important question remains: How does Kant consider marital sex morally acceptable if all sex involves objectifying a person for the enjoyment of another? He does not claim that sex within marriage does not objectify those involved. He does, however, claim that in marriage, both people equally posses each other, because they have a pact to respect each other’s humanity in a long-term relationship. Kant claims that in marriage “both possess each other”, and “that only therein does the property of the one remain that of the other, so that it lasts enduringly and is not transitory”. Therefore, each person has a “pact” which is not “transitory” — which would not be the case in casual sex—in which both persons “possess” one another such that they each must take into account the other’s “personhood”. In other words, the pact in marriage serves to reconcile the harms of sexual desire by giving both persons mutual power over their partners.
Here, I want to note a contradiction in Kant’s argument: in marriage two people “possess” one another, but Kant also claims that man cannot own himself, because he is a subject that owns other things, not a thing that can be owned. When Kant argues that a person does not have possession over his/her body, he makes the case by saying that persons can own only “things,” not persons. However, in marriage, he claims that people possess their partners. This leads either to the conclusion that, under Kant’s reasoning, sexual activity cannot occur in a context in which it is morally acceptable, or that marriage entails a unique form of possession in which the two people involved do not possess one another entirely, but rather possess part of the other person, such as his/her sexuality. However, as I have already noted, Kant argues that sexuality entails a person in his/her entirety and cannot be separated as a part of that person. So, Kant’s argument with regards to possession within marriage seems to be flawed or, at best, to use vague terms which are inconsistent throughout the argument.

Furthermore, I think Kant’s idea of sex as an appetite, similar to other appetites like hunger or taste, inaccurately reduces it to a hedonistic desire, a characterization that is unrealistic if we consider how sexual desire is satiated. Here I think it useful to compare hunger as an appetite with sexual desire. When we are extremely hungry and seek to satisfy our hunger, we do not seek out a particular Big Mac, but rather we seek anything that will satisfy our strong urge to eat. By contrast, sexual desire is aimed much more narrowly towards a certain person or type of person, whether it is Daniel who lives down the block, all men, or Hispanic flamenco dancers. Sexual desire entails much more preference, in that it must be satiated in particular way, which is unlike hunger, which can be satiated with any type of food. Even if we consider that a person might be attracted to a certain aspect of another person’s body, such as a genitalia or what Singer calls the “erotogenic zone,” I argue that the person is attracted to the bodily aspect, because it belongs to a certain person or type of person. For example, a male might admire another female’s buttocks and desire to engage in sexual acts with
it, but the male would most likely not admire the buttocks if the same buttocks belonged to another man or his mother. Therefore, to a certain extent, the man admires the buttocks only as it belongs to the person on whom he sees it.

This understanding seems to disprove Kant’s claim that we are purely interested in another person as an “instrument of service” in an objectified form, without humanity. If what Kant thinks were actually the case, then the personal makeup, or humanity of the person with whom one wants to attain sexual pleasure would never matter, as long as the person could provide sensual satisfaction. That seems empirically wrong. Sexual desire seems much more potentially selective than hunger or thirst, and so this suggests something qualitatively different about sex when compared to other appetites.

Irving Singer has an additional objection to Kant’s argument. Although Singer agrees with Kant about sexuality involving an entire person rather than parts of a person, he disagrees with Kant on the point that sexuality reduces an entire person to an objectification of the genitalia or “erotogenic zone” which is always harmful. He believes, by contrast, that sexual desire is a means by which a person can enjoy another person as a way of drawing “sustenance” from one another without “diminishing” either person. For example, suppose two people share an obsession with polka-dotted furniture, and this is the only thing the two know about each other. In this case, both people think of and enjoy the other person solely as a person who enjoys this type of furniture, meaning that each can reduce the other to an object of enjoyment, in which one characteristic of the person represents the person in his/her entirety. However, Singer argues that the humanity of the two does not have to be “diminished” for each to share in this obsession.

Rather, each person can benefit by “drawing sustenance” from the other. The two polka-dot lovers can enjoy one another solely through their shared obsession. They can still respect each other’s autonomy. In Kantian terms, they can treat each other as a means to an end, but respect each other precisely because of this. Their shared interest provides a benefit to both of them and
it does not harm either of them. Along these lines, Singer criticizes Kant for thinking that sexuality “treats the other person as an object of selfish appetite,” in which a mutual concern for one another and mutual benefit cannot be present together without a person being objectified and also harmed. That objectification does not always entail harm is the point at which Singer disagrees with Kant. Irving similarly believes that sexual acts can occur with both people using each other purely for sexual reasons, but where each person doesn’t limit the autonomy of the other person by using them in this way.

Kant’s claim that sexual desire always harmfully objectifies a person aligns him with Benatar’s significance view of sex. Kant sees sex as a unique case of desire, having some unique quality: “We can never find that a human being can be the object of another’s enjoyment, save through the sexual impulse.” Kant takes an even more extreme approach than Benatar when he claims that marriage is the only context in which this kind of mutual concern can occur. Kant fails to adequately establish why sexual desire differs from other desires, even those as similar as wanting a massage (something judged harmless). Perhaps, if he spent time explaining why sexual desire is different from other appetites, then his argument would be more convincing.

I have demonstrated the way in which sexual desire can be considered different from other appetites, but Kant does not accept this view. His argument is weak because he equates sexual desire with other appetites while also claiming that it objectifies persons unlike the other appetites. With this major flaw in mind, I think a more suitable definition for casual sex can be found along the lines of Singer’s argument: casual sex is morally acceptable as long as both people involved consider the autonomy of the other person, and, despite the fact that sexual pleasure is the means by which the two think of each other, they do not harmfully “objectify” each other but rather mutually benefit from their interaction.

At this stage, it is important to note that, just because casual sex is morally acceptable, prostitution is not necessarily also morally acceptable. There are many things that are morally ac-
ceptable to do but are not morally acceptable to sell. For example, forgiveness is something we view as morally acceptable to do but not necessarily permissible to sell. I believe most people would find that, if I were to be extremely wronged by a friend, it would be morally acceptable for me to forgive him but not to charge him money for my forgiveness. The difference here, however, seems to be that, if I charged him money, I would not be selling a service but rather selling a personal attitude, which affects how I treat our relationship within the realm of our personal lives. By contrast, prostitution, as long as it is impersonal and professional, does not involve a personal relationship but is rather an exchange that can take place and does not have a lasting effect on the personal life of those involved (to the extent that this may be debatable, I will address this later in my discussion).

To take another example, friendship is generally considered morally acceptable, but I think most people would agree that it is morally unacceptable to sell it. However, there is a context in which it is sold: counseling services. In these services, a counselor performs certain duties of a friendship—talking to a person, listening to problems, offering advice, etc.—but the counselor has a clear arrangement distinguishing between when the counselor is doing these duties on the job and when he/she is off-duty. So, we could say it is immoral to sell a personal friendship to another person, where there is no clear boundary between personal lives and occupation, but, as in the case of a counselor, it is morally acceptable to sell the qualities of friendship, because there is a distinct boundary between when the counselor is on the job and when the counselor is not. It is by extension of this reasoning, that I think prostitution can be considered morally acceptable. As long as the prostitute is providing a service in which there can remain a clear distinction between the service as a part of the job and the personal life of the prostitute outside of the job, then it is okay.

Melissa Farley, in *Prostitution and the Invisibility of Harm*, makes the case that prostitution is psychologically harmful and, as a result, permeates all aspects of a prostitute’s life. She thereby denies that a separation between the job and a personal life can
She claims that, because prostitution forces a person to objectify his/her body in a way that is so demoralizing, that the prostitute’s self esteem and future sexual relations are affected. However, whereas I acknowledge that the harm to the prostitute’s psychological wellbeing is indeed real, I argue that it is because of social norms that the prostitute is harmed in such a way—not because of something implicitly harmful about selling sexual services. If we look at these services outside the context of prostitution, the issue becomes clearer. There are many cases in which a person performs sexual acts that the person does not desire, solely in order to receive some sort of compensation. These acts rarely involve psychological harm. For example, a deceitful wife may have unenjoyable sex with her husband purposely so that her husband will continue to buy her jewelry. It would be hard to believe that sex in this context gives her extreme psychological harm. However, let us consider that having sex with a partner whom this person does not know is what is harmful, supposing that this breach of intimacy is where the harm originates. This, still, does not seem to be the case, because many people have one-night stands with people whom they do not know and nonetheless they do not seem to experience harmful psychological effects to the noticeable extent that Farley claims prostitutes do.

So, perhaps we are next to infer that paying for sex is what makes it psychologically harmful for prostitutes. The only way this would make sense is if paying for sex is different than paying for another service (assuming other service workers do not experience similar psychological affects). This would imply that sex is sacred or has some elevated quality that makes selling it more affecting. This viewpoint, however, seems to subscribe to Benatar’s significance view, which I have rejected as not universally applicable and so not a viable criterion.

Ultimately, I think historical and current social norms regarding sex are the reasons prostitution is psychologically harmful to those involved. If prostitutes hold the belief that prostitution sells something that is especially significant, then it is obvious why they might experience psychological harm—because
they might occasionally think that they are doing something morally unacceptable. However, if they view prostitution as something that is similar to any other service, then they would not experience these harmful psychological affects, just as other service workers do not experience harmful psychological affects.

Howard Klepper provides one more objection to prostitution, namely, that prostitutes, as rational beings, would never consciously choose to sacrifice their freedom. Thus, their choice must be a result of coercion. He sets up his argument with an analogy, comparing prostitution to “dwarf-throwing.” In dwarf-throwing, dwarves are singled out for their small size and consent to be tossed in the air by normal-sized people. This makes the dwarves into “human projectiles” which are considered “non-rational, non-sentient” beings by amused onlookers. Klepper argues that the dwarves, because they consent to being treated as objects and thus as a mere means, are irrational agents, because they choose to be treated this way. That judgment rings Kantian.

However, I argue that the dwarves are not treated as objects so understood. If the dwarves knowingly allow themselves to be used in this way and are never forced to be tossed in the air, then they still maintain autonomy as rational agents. Similarly, an NBA basketball player may be sought out for his height and asked to use his height in his profession, but he nonetheless maintains autonomy as to whether or not his body will be used for playing basketball. The dwarves also have autonomy, but, most likely, people view tossing them in the air as objectifying them because the dwarves seem to them to be small and so unable to defend themselves against larger people. However, as long as the dwarves freely choose to act out the role of projectiles, then they are not objectified. I should note that this is as long as the tossing of dwarves does not harm their body in any way.

Concurrently, as we apply the dwarf example to prostitution, we also assume that the prostitutes’ bodies are not harmed in any way. If we extend Klepper’s argument, it does not seem that prostitutes would be any different than the dwarves or the NBA player. When Klepper claims that prostitutes choose to act
in way that limits their freedom, he relies on the idea that sexual acts limit the freedom of those involved unlike any other action, which is an idea that supports the significance view of sex which, as I have previously determined, is not viable. Prostitutes are not coerced. As long as prostitution is considered in the definition I have provided, prostitutes consensually choose to trade sexual services for monetary compensation. Thus, Klepper’s objection to prostitution is also unsubstantiated.

I will conclude my argument with a very common example of a morally acceptable job and compare it to prostitution to show the way in which the two entail similar duties. During the month of December, it is very common to see a person at the mall who is dressed up as Santa Claus. He poses for pictures with children while parents take pictures, and he receives money as compensation for his service. As he sits in the mall, dressed in a long white beard and a red satin robe, children desire to sit in his lap to achieve the physical contact that is a source of enjoyment for them. The person playing Santa Claus, regardless of what he may actually feel or want to say, must act happy throughout the whole event and ask children what they want for Christmas. People respect the man playing Santa Claus as freely choosing to use his body for this service, though often people neglect the fact that his obesity may pose potential health risks to him. A prostitute, similarly, uses his/her body in order to provide a service of physical contact in which people attain enjoyment from the prostitute’s body. However, it seems the prostitute may even have a better job than the man playing Santa Claus, in that she is not always photographed, and she does not have to maintain an unhealthily obese status in order to perform her service.

Both the man playing Santa Claus and the prostitute use their bodies to provide physical contact in return for money. Each must potentially act contrary to personal feelings, seemingly sacrificing autonomy during their jobs. But this sacrifice never actually occurs. They maintain the ability to quit their jobs, which shows that they ultimately always have autonomy independent from whether or not they convey it in an obvious way
during their services. In this way, prostitution can be thought of as very similar to working as a holiday-season Santa Claus, which is commonly considered a morally acceptable profession.

In summary, Kant’s theory of ethics fails to show that prostitution is always immoral. Furthermore, Singer’s objections, along with my own, convey that prostitution can provide a mutually beneficial service, in which both the service provider and service receiver benefit from the exchange. Farley’s objection relies on a faulty argument based on social norms rather than criticizing something necessarily specific to prostitution, and Klepper maintains the significance view, which is unconvincing at best. My final Santa Claus example shows the way in which prostitution is not unlike many other professions, in that it trades a physical service for monetary compensation. Unless we want to claim that many sorts of actions of service are morally unacceptable, we must consider prostitution as morally acceptable.
Notes

2 Ibid., 327
3 Ibid.
4 Ibid.
6 Ibid., 155
7 Ibid., 157
8 Ibid.
9 Ibid.
10 Ibid.378
11 Ibid., 379
12 Ibid., 378
13 Ibid., 157
15 Ibid., 182
16 Ibid., 183
17 Immanuel Kant (1997) p. 155
18 David Benatar (2008) p. 359-360
19 Ibid., 356


