

# Prostitution and sexual ethics: a reply to Westin

Ole Martin Moen

In 'Is prostitution harmful?' I argue that if casual sex is acceptable, then so is prostitution.<sup>1</sup> Anna Westin, in 'The harms of prostitution: critiquing Moen's argument of no-harm', raises four objections to my view.<sup>2</sup> Let me reply to these in turn.

Westin's first objection is that it is 'fundamentally problematic [to] categorise sexual ethics into merely two types', the type that accepts casual sex and the type that does not. The reason why, she explains, is that this 'incompletely frames the contemporary discourse in sexual ethics'. She points to the views of Linda McDowell, Roger Scruton, Raja Halwani and the Roman Catholic Church to illustrate the breadth of contemporary ethical theorising about sex.

Westin is right that I do not provide an account of contemporary sexual ethics. Neither do I believe, however, that my argument requires this. The view that casual sex is acceptable and the view that it is not are mutually exclusive and jointly exhaustive, so granted a fixed notion of casual sex, all theories concerned with the acceptability of casual sex fall into one of the two categories. Although an account of the various overall approaches to sexual ethics would be interesting, it is unclear how the absence of such an account is a problem for my argument.

Westin's second point is that in order to make my case, I must 'provide counterarguments against the arguments for a sexual ethic that either weakly or strongly requires a precondition of romantic love.' In short, I

must defend casual sex. In the paper to which Westin responds, however, I argue solely for the condition that if casual sex is acceptable, then so is prostitution, leaving open the question of whether or not casual sex is in fact acceptable.

Westin's third objection is that 'if sexual partners care for each other they do not require any monetary exchange for sex'. I agree, of course, that romantic partners should not require payment for having sex with each other, just as they should not require payment for giving a massage or for preparing breakfast. That, however, fails to show that it is wrong to require payment for such services between non-partners.

Westin further argues that in defending prostitution, I fail to address 'essential key ontological issues surrounding human agency'. For example, Westin writes—in response to my suggestion that it is problematic to characterise prostitution as 'selling one's body'—that settling this 'requires understanding the ontology of the human agent'. I am puzzled as to what specifically Westin is looking for. I am also puzzled by her claim that my framework is 'rationalistic' and 'dismisses any concept of the human as other than supremely rational'. Why does my argument commit me to a naïve conception of human nature? Sadly, Westin does not explain.

A last point made by Westin is that I fail to discuss the nature of harm. As I indicate in the article to which she responds, however, I believe there is sufficient overlap between the major theories for

my argument to work without commitment to a specific one. In doing practical ethics I think it is useful, as far as possible, not to tie one's argument to specific positions in other areas of philosophy. If Westin thinks my argument is incompatible with a plausible theory of harm, she should explain why.

Finally, let me note that I object to Westin's description of my view on prostitution as a 'no-harm' view. The reason why is that I do not deny that prostitutes are harmed. First, in today's context, with social stigma and repressive laws, prostitution is, sadly, associated with several serious harms. Even without social stigma and repressive laws, however, prostitution would still not be entirely harmless. Neither would it, or so I argue, be any more harmful than a long line of occupations that we commonly accept without hesitation.

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- 1 Moen OM. Is prostitution harmful? *J Med Ethics*. 2014;**40**:73–81.
- 2 Westin A. The harms of prostitution: critiquing Moen's argument of no-harm. *J Med Ethics* 2014;**40**:86–7.

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