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## What's Wrong with Prostitution?

*Carole Pateman*

In modern patriarchy, a variety of means are available through which men can uphold the terms of the sexual contract. The marriage contract is still fundamental to patriarchal right, but marriage is now only one of the socially acceptable ways for men to gain access to women's bodies. Casual sexual liaisons and "living together" no longer carry the social sanctions of twenty or thirty years ago, and, in addition to private arrangements, there is a huge, multimillion dollar trade in women's bodies. Prostitution is an integral part of patriarchal capitalism. Wives are no longer put up for public auction (although in Australia, the United States, and Britain, they can be bought by mail order from the Philippines), but men can buy sexual access to women's bodies in the capitalist market. Patriarchal right is explicitly embodied in "freedom of contract."

Prostitutes are readily available at all levels of the market for any man who can afford one, and they are frequently provided as part of business, political, and diplomatic transactions. Yet the public character of prostitution is less obvious than it might be. Like other forms of capitalist enterprise, prostitution is seen as private enterprise, and the contract between client and prostitute is seen as a private arrangement between a buyer and a seller. Moreover, prostitution is shrouded in secrecy despite the scale of the industry. In Birmingham, a British city of about 1 million people, some eight hundred women work either as street prostitutes or from their homes or hotels, from "saunas," "massage parlors," or "escort agencies." Nearly 14 thousand men each week buy their services, that is, about seventeen men for each prostitute. A similar level of demand has been recorded in the United States, and the total number of customers each week across the country has been conservatively estimated at 1.5 million.<sup>1</sup>

The sexual subjection of wives has never lacked defenders, but until very recently an unqualified defense of prostitution has been hard to find. Prostitution was seen, for example, as a necessary evil that protected young women from rape and shielded marriage and the family from the ravages of men's sexual appetites; or as an unfortunate outcome of poverty and the economic constraints facing women who had to support themselves; or prostitution was seen as no worse, and as

more honest, than "legal prostitution," as Mary Wollstonecraft called marriage in 1790.<sup>2</sup> As prostitutes, women openly trade their bodies and, like workers (but unlike a wife), are paid in return. So, for Emma Goldman, "it is merely a question of degree whether [a woman] sells herself to one man, in or out of marriage, or to many men."<sup>3</sup> Simone de Beauvoir sees the wife as "hired for life by one man; the prostitute has several clients who pay her by the piece. The one is protected by one male against all the others; the other is defended by all against the exclusive tyranny of each."<sup>4</sup> Cicely Hamilton noted in 1909 that although women were prevented from bargaining freely in the only trade, marriage, legitimately open to them, they could exercise this freedom in their illegitimate trade; "the prostitute class . . . has pushed to its logical conclusion the principle that woman exists by virtue of a wage paid her in return for the possession of her person."<sup>5</sup>

A radical change has now taken place in arguments about prostitution. Many recent feminist discussions have argued that prostitution is merely a job of work and the prostitute is a worker like any other wage laborer. Prostitutes should, therefore, have trade union rights, and feminists often put forward proposals for workers' control of the industry. To argue in this fashion is not necessarily to defend prostitution—one can argue for trade union rights while calling for the abolition of capitalist wage labor—but in the absence of argument to the contrary, the implicit suggestion in many feminist discussions is that, if the prostitute is merely one worker among others, the appropriate conclusion must be that there is nothing wrong with prostitution. At the very least, the argument implies that there is nothing wrong with prostitution that is not also wrong with other forms of work.

This conclusion depends on the same assumptions as another defense of prostitution. Contract theorists argue that a prostitute contracts out a certain form of labor power for a given period in exchange for money. There is a free exchange between prostitute and customer, and the prostitution contract is exactly like—or is one example of—the employment contract. From the standpoint of contract, the prostitute is an owner of property in her person who contracts out part of that property in her market. A prostitute does not sell herself, as is commonly alleged, or even sell her sexual parts, but contracts out use of *sexual services*. There is no difference between a prostitute and any other worker or seller of services. The prostitute, like other "individuals," stands in an external relation to the property in her person. Contract theory thus appears to offer a convincing reply to well-known criticisms of and objections to prostitution. For example, for contractarians, 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. Feminists who argue that the prostitute epitomizes women's subjection to men can now also be told that such a view is a reflection of outmoded attitudes to sex, fostered by men's propaganda and the old world of women's subordination.<sup>6</sup>

Defenders of prostitution admit that some reforms are necessary in the industry as it exists at present in order for a properly free market in sexual services to operate. Nevertheless, they insist that "sound prostitution" is possible.<sup>7</sup> The idea of sound prostitution illustrates the dramatic shift that has taken place in arguments over prostitution. The new, contractarian defense is a universal argument. Prostitution is defended as a trade fit for anyone to enter. Freedom of contract and equality of opportunity require that prostitution should be open to everyone and that any individual should be able to buy or sell services in the market. Anyone who needs a sexual service should have access to the market, whether male or female, young or old, black or white, ugly or beautiful, deformed or handicapped. Prostitution will then come into its own as a form of therapy—"the role of a prostitute as a kind of therapist is a natural one"<sup>8</sup>—or as a form of social work or nursing (taking care "of the intimate hygiene of disabled patients").<sup>9</sup> No one will be left out because of inappropriate attitudes to sex. The female hunchback as well as the male hunchback will be able to find a seller of services.<sup>10</sup>

A universal defense of prostitution entails that a prostitute can be of either sex. Women should have the same opportunity as men to buy sexual services in the market. "The prostitute" is conventionally pictured as a woman, and in fact, the majority of prostitutes are women. However, for contractarians, this is a merely contingent fact about prostitution; if sound prostitution were established, status, or the sexually ascriptive determination of the two parties (the man as a buyer and the woman as a seller of services), will give way to contract, to a relation between two "individuals." A moment's contemplation of the story of the sexual contract suggests that there is a major difficulty in any attempt to universalize prostitution. Reports occasionally appear that, in large cities like Sydney, a few male heterosexual prostitutes operate (the older figure of the gigolo belongs in a very different context), but they are still rare. Male homosexual prostitutes, on the other hand, are not uncommon, and from the standpoint of contract, they are no different from female prostitutes. The story of the sexual contract reveals that there is good reason why "the prostitute" is a female figure.

The story is about heterosexual relations—but it also tells of the creation of a fraternity and their contractual relations. Relations between members of the fraternity lie outside the scope of my present discussion, but as Marilyn Frye has noted, “there is a sort of ‘incest taboo’ built into standard masculinity.”<sup>11</sup> The taboo is necessary; within the bonds of fraternity, there is always a temptation to make the relation more than that of fellowship. But if members of the brotherhood extended their contracts, if they contracted for sexual use of bodies among themselves, the competition could shake the foundations of the original contract. From the standpoint of contract, the prohibition against this particular exercise of the law of male sex right is purely arbitrary, and the fervor with which it is maintained by men themselves is incomprehensible. The story of the original creation of modern patriarchy helps lessen the incomprehension.

Any discussion of prostitution is replete with difficulties. Although contractarians now deny any political significance to the fact that (most) prostitutes are women, one major difficulty is that, in other discussions, prostitution is invariably seen as a problem about the prostitute, as a problem about *women*. The perception of prostitution as a problem about women is so deep-seated that any criticism of prostitution is likely to provoke the accusation that contemporary contractarians bring against feminists, that criticism of prostitution shows contempt for prostitutes. To argue that there is something wrong with prostitution does not necessarily imply any adverse judgment on the women who engage in the work. When socialists criticize capitalism and the employment contract, they do not do so because they are contemptuous of workers but because they are the worker’ champions. Nevertheless, appeals to the idea of false consciousness, popular a few years ago, suggested that the problem about capitalism was a problem about workers. To reduce the question of capitalism to deficiencies in workers’ consciousness diverts attention from the capitalist, the other participant in the employment contract. Similarly, the patriarchal assumption that prostitution is a problem about women ensures that the other participant in the prostitution contract escapes scrutiny. Once the story of the sexual contract has been told, prostitution can be seen as a problem about *men*. The problem of prostitution then becomes encapsulated in the question why men demand that women’s bodies are sold as commodities in the capitalist market. The story of the sexual contract also supplies the answer; prostitution is part of the exercise of the law of male sex right, one of the ways in which men are ensured access to women’s bodies.

Feminist criticism of prostitution is now sometimes rejected on the grounds that prostitutes exploit or cheat their male clients; men are

presented as the injured parties, not women. To be sure, prostitutes are often able to obtain control over the transaction with their customers by various stratagems and tricks of the trade. However, just as arguments about marriage that appeal to the example of benevolent husbands fail to distinguish between the relation of one particular husband and wife and the structure of the institution of marriage, so particular instances of the prostitution contract, in which a prostitute exploits a male customer, should be distinguished from prostitution as a social institution. Within the structure of the institution of prostitution, "prostitutes" are subject to "clients," just as "wives" are subordinate to "husbands" within the structure of marriage.

There is nothing universal about prostitutes as a discrete group of wage laborers who specialize in a particular line of work, or about prostitution as a specialized occupation or profession within the patriarchal capitalist division of labor. The claim that prostitution is a universal feature of human society relies not only on the cliché of the "oldest profession" but also on the widely held assumption that prostitution originates in men's natural sexual urge. There is a universal, natural (masculine) impulse that, it is assumed, requires, and will always require, the outlet provided by prostitution. Now that arguments that extramarital sex is immoral have lost their social force, defenders of prostitution often present prostitution as one example of "sex without love," as an example of the satisfaction of natural appetites.<sup>12</sup> The argument, however, is a non sequitur. Defenders of sex without love and advocates of what once was called free love always supposed that the relationship was based on mutual sexual attraction between a man and a woman and involved mutual physical satisfaction. There is no desire or satisfaction on the part of the prostitute. Prostitution is not mutual, pleasurable exchange of the use of bodies, but the unilateral use of a woman's body by a man in exchange for money. That the institution of prostitution can be presented as a natural extension of a human impulse, and that "sex without love" can be equated with the sale of women's bodies in the capitalist market, is possible only because an important question is begged: why do men demand that satisfaction of a natural appetite must take the form of public access to women's bodies in the capitalist market in exchange for money?

The left and right, as well as some feminists, share the assumption that the prostitute's work is of 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 or electrician, secretary or assembler of electronic goods. Not surprisingly,

criticism of prostitution is then usually couched in economic terms. For example, the argument that prostitutes are forced by economic necessity to enter the trade has been heard for a very long time. The conditions of entry into the prostitution contract have received as much attention as entry into the employment or marriage contracts, and involuntary entry is often presented as the problem about prostitution. Thus, Alison Jaggar has stated that "it is the economic coercion underlying prostitution, . . . that provides the basic feminist objection to prostitution."<sup>13</sup>

Another common argument is that what is wrong with prostitution is that, once a woman has entered the trade, she is exploited and degraded like many other workers under capitalism. Once again, the question of subordination is ignored. In arguments about economic coercion and exploitation, the comparison is often turned around; instead of prostitutes being seen as exploited workers, workers are held to be in the same position as prostitutes. Marxist critics of prostitution take their lead from Marx's statement that "prostitution is only a *specific* expression of the general prostitution of the *laborer*." Prostitution then represents the economic coercion, exploitation, and alienation of wage labor. As one critic has stated, "prostitution is the incarnation of the degradation of the modern citizen as producer."<sup>14</sup> The prostitution contract is not merely one example of the employment contract; rather, the employment contract becomes a contract of prostitution. The figure of the prostitute can, therefore, symbolize everything that is wrong with wage labor.

To see prostitutes as epitomizing exploitation under capitalism, and to represent the worker by the figure of the prostitute, is not without irony. "The worker" is masculine—yet his degradation is symbolized by a female emblem, and patriarchal capitalism is pictured as a system of universal prostitution. The fact that the prostitute seems to be such an obvious symbol of the degradation of wage labor raises the suspicion that what she sells is not quite the same as the labor power contracted out by other workers. If prostitution is work in exactly the same sense as any other paid employment, then the present status of the prostitute can only be attributed, as contractarians insist, to legal prohibition, hypocrisy, and outdated ideas about sex. The story of the sexual contract provides another explanation for the difference between prostitution and other paid employment in which women predominate. The prostitution contract is a contract with a woman and, therefore, cannot be the same as the employment contract, a contract between men. Even though the prostitution contract is sealed in the capitalist market, it still differs in some significant respects from the

employment contract. For example, a worker always enters into an employment contract with a capitalist. If a prostitute were merely another worker, the prostitution contract, too, would always involve a capitalist, yet very frequently the man who enters into the contract is a worker.

Supposing, the objection might be raised, that the prostitute works in a "massage parlor." She will then be a paid employee and have entered into an employment contract. True; but the prostitution contract is entered into with the male customer, not with an employer. The prostitute may or may not be a paid employee (worker); some prostitutes are "more adequately described as small-scale private entrepreneurs."<sup>15</sup> The difference is, however, irrelevant to the question of how prostitution is to be characterized; is it free work and a free exchange or exploitation or a specific kind of subordination? Whether the prostitute is a worker or petty entrepreneur, she must be seen as contracting out labor power or services if the prostitution contract is also to be seen as an employment contract. No matter whether the prostitute is an exploited or free worker or a petty entrepreneur, labor power or services are assumed to be contracted out. A prostitute must necessarily sell "not her body or vagina, but sexual *services*. If she actually did sell herself she would no longer be a prostitute but a sexual slave."<sup>16</sup>

More accurately, she would resemble a slave in something of the same fashion that a worker, a wage slave, resembles a slave. Labor power is a political fiction. The capitalist does not and cannot contract to use the proletariat's services or labor power. The employment contract gives the employer right of command over the use of the worker's labor, that is to say, over the self, person, and body of the worker during the period set down in the employment contract. Similarly, the services of the prostitute cannot be provided unless she is present; property in the person, unlike material property, cannot be separated from its owner. The "john," the "punter," the man who contracts to use the services of the prostitute, like the employer, gains command over the use of her person and body for the duration of the prostitution contact—but at this point, the comparison between the wage slave and the prostitute, the employment contract and the prostitution contract, breaks down.

In contrast to employers, the men who enter into the prostitution contract have only one interest, the prostitute and her body. A market exists for substitutes for women's bodies in the form of inflatable dolls, but unlike the machines that replace the worker, the dolls are advertised as "lifelike." The dolls are a literal substitute for women, not a functional substitute like the machine installed instead of the worker.



Even a plastic substitute for a woman can give a man the sensation of being a patriarchal master. In prostitution, the body of the woman, and sexual access to that body, is the subject of the contract. To have bodies for sale in the market, as bodies, looks very much like slavery. To symbolize wage slavery by the figure of the prostitute rather than that of the masculine worker is thus not entirely inappropriate. But prostitution differs from wage slavery. No form of labor power can be separated from the body, but only through the prostitution contract does the buyer obtain unilateral right of direct sexual use of a woman's body.

There is an integral relationship between the body and the self. The body and the self are not identical, but selves are inseparable from bodies. The idea of property in the person has the merit of drawing attention to the importance of the body in social relations. Civil mastery, like the mastery of the slave owner, is not exercised over mere biological entities that can be used like material (animal) property, nor exercised over purely rational entities. Masters are not interested in the disembodied fiction of labor power or services. They contract for the use of human embodied selves. Precisely because subordinates are embodied selves, they can perform the required labor, be subject to discipline, give the recognition, and offer the faithful service that makes a man a master. Human bodies and selves are also sexually differentiated; the self is a masculine or feminine self. One illustration of the integral connection between the body and the self is the widespread use of vulgar terms for women's sexual organs to refer to women themselves, or the use of a slang term for the penis to make disparaging reference to men.

Masculinity and femininity are sexual identities; the self is not completely subsumed in its sexuality, but identity is inseparable from the sexual construction of the self. In modern patriarchy, sale of women's bodies in the capitalist market involves sale of a self in a different manner, and in a more profound sense, than sale of the body of a male baseball player or sale of command over the use of the labor (body) of a wage slave. The story of the sexual contract reveals that the patriarchal construction of the difference between masculinity and femininity is the political difference between freedom and subjection, and that sexual mastery is the major means through which men affirm their manhood. When a man enters into the prostitution contract, he is not interested in sexually indifferent, disembodied services; he contracts to buy sexual use of a *woman* for a given period. Why else are men willing to enter the market and pay for "hand relief"? Of course, men can also affirm their masculinity in other ways, but in relations between the sexes, unequivocal affirmation is obtained by engaging in

"the sex act." Womanhood, too, is confirmed in sexual activity, and when a prostitute contracts out use of her body, she is thus selling *herself* in a very real sense. Women's selves are involved in prostitution in a different manner from the involvement of the self in other occupations. Workers of all kinds may be more or less "bound up in their work," but the integral connection between sexuality and sense of the self means that, for self-protection, a prostitute must distance herself from her sexual use.

Women engaged in the trade have developed a variety of distancing strategies, or a professional approach, in dealing with their clients. Such distancing creates a problem for men, a problem that can be seen as another variant on the contradiction of mastery and slavery. The prostitution contract enables men to constitute themselves as civil masters for a time, and like other masters, they wish to obtain acknowledgment of their status. Eileen McLeod talked to clients as well as prostitutes in Birmingham and, noting that her findings are in keeping with similar investigations in Britain and the United States, she states that "nearly all the men I interviewed complained about the emotional coldness and mercenary approach of many prostitutes they had contact with."<sup>17</sup> A master requires a service, but he also requires that the service is delivered by a person, a self, not merely a piece of (disembodied) property. John Stuart Mill remarked of the subordination of wives that "their masters require something more from them than actual service. Men do not want solely the obedience of women, they want their sentiments. All men, except the most brutish, desire to have, not a forced slave, but a willing one, not a slave merely, but a favourite."<sup>18</sup>

An employer or a husband can more easily obtain faithful service and acknowledgment of his mastery than a man who enters into the prostitution contract. The prostitution contract is of short duration, and the client is not concerned with daily problems of the extraction of labor power. The prostitution contract is, one might say, a contract of specific performance, rather than open-ended like the employment contract and, in some of its aspects, the marriage contract. There are also other differences between the employment and prostitution contracts. For example, the prostitute is always at a singular disadvantage in the "exchange." The client makes direct use of the prostitute's body, and there are no "objective" criteria through which to judge whether the service has been satisfactorily performed. Trades unions bargain over pay and conditions for workers, and the products of their labors are "quality controlled." Prostitutes, in contrast, can always be refused payment by men who claim (and who can gainsay their subjective assessment?) that their demands have not been met.<sup>19</sup>

The character of the employment contract also provides scope for mastery to be recognized in numerous subtle ways as well as in an open, direct fashion. The worker is masculine, and men must mutually acknowledge their civil equality and fraternity (or the social contract cannot be upheld) at the same time as they create relations of subordination. The brief duration of the prostitution contract gives less room for subtlety; but, then, perhaps it is not so necessary. There need be no such ambiguities in relations between men and women, least of all when a man has bought a woman's body for his use as if it were like any other commodity. In such a context, "the sex act" itself provides acknowledgment of patriarchal right. When women's bodies are on sale as commodities in the capitalist market, the terms of the original contract cannot be forgotten; the law of male sex right is publicly affirmed, and men gain public acknowledgment as women's sexual masters—that is what is wrong with prostitution.

Another difference between the prostitution contract and the other contracts with which I am concerned is also worth noting. I have argued that contracts about property in persons take the form of an exchange of obedience for protection. A slave and wives (in principle) receive lifelong protection; the family wage includes protection; and the organizational complexities of extracting labor power for use in capitalist production have led to provision of protection over and above the wage. But where is the protection in the prostitution contract? The pimp stands outside the contract between client and prostitute, just as the state stands outside, but regulates and enforces, the marriage and employment contracts. The short-term prostitution contract cannot include the protection available in long-term relations. In this respect, the prostitution contract mirrors the contractarian ideal. The individual as owner will never commit himself far into the future; to do so is to give himself up as hostage to the self-interest of other individuals. The individual will make simultaneous exchanges, an impossible exchange if use is to be made of property in persons. The exchange of money for use of a woman's body comes as close as is feasible in actual contracts to a simultaneous exchange. For Marx, prostitution was a metaphor for wage labor. The more appropriate analogy is also more amusing. The contractarian idea of universal sale of property (services) is a vision of unimpeded mutual use or universal prostitution.

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To criticize the institution of *prostitution* is not, let me emphasize, to condemn the women who work as prostitutes. Some women and many

young girls are coerced into prostitution, but many women choose this work. They make that choice today in a context where the institution of prostitution is part of a global sex industry and part of the capitalist market. The market requires a supply of women and girls—but it also needs demand to operate. The crucial question that is too rarely asked is why there is such an enormous global demand from men that women's bodies be available for purchase, just like any other commodity in the market.

### Notes

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1. Eileen McLeod, *Women Working: Prostitution Now* (London: Croom Helm, 1982) 12–13, table 1.1.
2. Mary Wollstonecraft, "A Vindication of the Rights of Men," in *A Mary Wollstonecraft Reader*, ed. B. H. Solomon and P. S. Berggren (New York: New American Library, 1983), 247. She also uses the phrase in *A Vindication of the Rights of Women* (New York: Norton, 1975), 148.
3. Emma Goldman, "The Traffic in Women," in *Anarchism and Other Essays*, by Emma Goldman (New York: Dover, 1969), 179.
4. Simone de Beauvoir, *The Second Sex*, trans. H. M. Parshley (New York: Vintage Books, 1974), 619.
5. Cicely Hamilton, *Marriage as a Trade* (London: Women's Press, 1981), 37.
6. They are so instructed by J. Radcliffe Richards, *The Sceptical Feminist: A Philosophical Enquiry* (Harmondsworth: Penguin Books, 1980), 246.
7. The term is used by Lars Ericsson, "Charges Against Prostitution: An Attempt at a Philosophical Assessment," *Ethics* 90 (1980): 335–66.
8. D. A. J. Richards, *Sex, Drugs, Death and the Law* (Totowa, N.J.: Rowman and Littlefield, 1982), 115, also 108.
9. Ericsson, "Charges Against Prostitution," 342.
10. The example comes from M. McIntosh, "Who Needs Prostitutes? The Ideology of Male Sexual Needs," in *Women, Sexuality, and Social Control*, ed. C. Smart and B. Smart (London: Routledge & Kegan Paul, 1978), 54.
11. Marilyn Fryc, *The Politics of Reality: Essays in Feminist Theory* (Trumansburg, N.Y.: Crossing Press, 1983), 143. Where men are confined together and prevented from obtaining access to women (as in prison), the "taboo" is not observed; masculinity is then exhibited by using other men, usually young men, as if they were women.
12. J. Radcliffe Richards, *The Sceptical Feminist*, 244.
13. Alison Jaggar, "Prostitution," in *The Philosophy of Sex: Contemporary Readings*, ed. A. Soble (Totowa, N.J.: Rowman & Littlefield, 1980), 360.
14. Karl Marx, *Economic and Philosophic Manuscripts of 1844*, ed. D. J. Struik (New York: International Publishers, 1964), 133, note.
15. J. H. Reiman, "Prostitution, Addiction and the Ideology of Liberalism," *Contemporary Crises* 3 (1979): 66.

16. Ericcson, "Charges Against Prostitution," 351.
17. Eileen McLeod, *Women Working: Prostitution Now* (London: Croom Helm, 1982), 84.
18. John Stuart Mill, "The Subjection of Women," in *Essays on Sex Equality*, ed. A. S. Rossi (Chicago: University of Chicago Press, 1970), 141.
19. I owe thanks to Mary Douglas for drawing my attention to this point.

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