

Journal Homepage: www.katwacollegejournal.com



New Directions in Research on Prostitution from Some Philosophical Aspects

Prakash Mondal, Philosophy, Katwa College, W.B., India

Asma Parbhin Khatun, Philosophy, Nistarini College, W.B., India

Article Record: Received Sep 28 2020, Revised Paper Received Dec 3 2020, Final Acceptance Dec 12 2020
Available Online Dec 13 2020

Abstract

Prostitution is the crudest manifestation of societies where women have been driven to sell their bodies as means of survival. Such women are expected to satisfy the uncontainable vice of male sexuality. Prostitution has been a part of our society since time immemorial. The article goes back into history of prostitution in India. The paper further examines the meaning of the term "prostitution" and the laws that define and deal with prostitution in India. Here the main aim of this article is to examine the countries where prostitution is legalized and determine the actual cause of prostitution, types of prostitution and a moral conclusion about prostitution.

Keywords: *Prostitution, Devadasi, Legalization, Moral Responsibility, and brothels.*

1. Introduction

The history of prostitution is perhaps as old as the male-female relationships. But it was born definitely along with the institution of marriage. In ancient India prostitution was firmly established as an institution. It had been prevalent in Buddhist and Mauryan period. The institution of Devadasi among the temples of south India is fairly ancient. In British period prostitution prospered in the form of glamour girls.

In contemporary India the greatest cause of increase in prostitution is industrialization and consequent rapid urbanization. These girls are known by several names such as dancing girls, massage girls, call girls and the ordinary prostitutes. Now a day, while most of the call girls are rich and educated, the ordinary prostitutes are generally poor and uneducated. Nevertheless, the causes of this most ancient profession in India are not much different from those in other countries but poverty is here a more important causative factor. In this connection I would like to discuss a new trend about prostitution in India as well as world. Of late, call boys like call girls have become popular in the society.

2. Objectives of the Study

The objectives of the proposed study are as follows:

1. To identify the main cause of prostitution and,
2. To make a moral conclusion about legalization of prostitution.

3. What is Moral Prostitution?

For practical, law-enforcement purposes, the definition of prostitution has usually not been too difficult. A prostitute defines herself when she “agrees to have sexual intercourse with a person (not her husband) who offers his money for engaging in the intercourse” (Benjamin, 1964).

In the august 1951 issue of the *International Journal of Sexology*, Albert Ellis wrote, “commercialized prostitutes would certainly be included – whether they accepted many or a chosen few paying partners. But also included would be girls who trade their sexual favours for food, entertainment, or other gifts and wives who, having no love and no sex desire for their husbands, continue to have sex relations in order to maintain the socio-economic benefits of marriage” (Ellis, 1951).

4. Types of Prostitutes

According to H. Benjamin, writing in *The Prostitute in Society*, the following are the important types of prostitutes found in modern societies:

- a) The Call Girl: while the dictionary defines the call girl as independently operating prostitute, I am using the term in the special way in which I know it. The call girls are the aristocrats of prostitution. They live in the most expensive residential sections! They dress in rich, good taste.
- b) The Streetwalker: streetwalking is probably one of the most ancient methods of prostitution. In the nineteenth and early twentieth century, prostitutes were sometimes permitted to work in bawdy houses specifically with the aim of getting them off the streets, where they would not be able to solicit, or even have to be seen by, ‘decent people’. Her fees have traditionally been lower than those received by most other types of prostitutes.
- c) Bar Prostitutes: R. E. K. Masters talked over the past 15 years with hundreds of young bar prostitutes in most parts of the United States. Most of them are not full-time whores, but are girls supplementing incomes earned as barmaids.
- d) Child Prostitutes: Child prostitution is as ancient as civilization. Temple prostitutes were sometimes no older than 7 years, as in Babylonia. In ancient Egypt, also, the prostitution of young girls was a religious practice, so that, according to Strabo, some of the most beautiful and highest born Egyptian were forced into prostitution, and they continued as prostitutes until their first menstruation.

Apart from the above types of prostitution, there are many other types of prostitution in India which are not discussed here.

5. Causes of Prostitution in India

The social researchers made so far into the causes of prostitution in India reveal that females are drawn into it for a variety of reasons. A study of Kanpur prostitutes has revealed that though a majority of prostitutes have taken to their profession due to extreme poverty and hunger, there are many who have willingly adopted it after a series of love exploits. Though the economic factor is quite important it is liable to be over-emphasized. Nevertheless, the main causes of prostitution can be classified in the following categories:

- i) Economic causes: Though economic compulsions constitute the major factor in the causation of prostitution it is by no means the only and exclusive cause of the phenomenon. It is not the cause that every prostitute accepts money for her services or that all prostitutes hail from indigent homes. There are many prostitutes who hail from well-to-do families. In India, of course, there are many prostitutes who are compelled to adopt prostitution to feed themselves and their dependants. However, poverty is not the only economic factor, there are many other factors

which are economic. Economic factors comprise of: (1) poverty (2) under age employment (3) unhealthy working conditions (4) immoral traffic in women and children.

ii) Social causes: following are the social causes of prostitution.

- A. Family factors: a study of London prostitutes published as *Women of the Street* reveals that most of the prostitutes are connected with family troubles. Their parents were either living separately or their family relations were so strained that as children they were left to their own machinations and received no love. If the mother is of bad character and has to carry on with her clandestine liaisons, she rarely escapes the eager eyes of her daughter.
 - B. Bad neighbourhood: children living near brothels become so used to seeing sex trade that they come to accept it as normal. The brothel keepers usually haunt these areas for their prey. The children who get exposed to sex business want to have these exhilarating experiences at the first available opportunity.
 - C. Illegitimate motherhood: the women who become pregnant as a result of their liaisons and who cannot get abortion get exposed in society. Nobody wants to marry them but everybody wants to enjoy them sexually. Desperately such women prefer to become regular prostitutes.
 - D. Psychological causes: there are some psychological factors which tend a person towards prostitution. A woman who is frigid becomes desperate. She tries one man after another. Because of frigidity she is unable to experience pleasure and becomes a prostitute by trial and error.
- iii) Biological factors: the persons born with defective sex organs or overactive glands may feel compelled to seek sex gratification in a bizarre manner.
- iv) Religious and cultural factors: In India there has been religious sanction to prostitution. In the south, certain selected families were supposed to offer one daughter each to the temple where apparently she was supposed to serve gods with total dedication. They were known as Devadasis – god-slaves. But in actual practice they lived a life of prostitution.

All causes listed above contribute more or less to prostitution. Prostitution has a very long and varied history. As a matter of fact it is considered to be the oldest profession in the world. In modern times it is becoming fashionable to consider prostitution a necessary part of society.

6. Prostitution and Legality in India

According to the Indian Penal Code, certain activities related to sex are not considered illegal per se and contradict laws that are in place. However, activities as enumerated below if found to be true, one is entitled to be punished in accordance with laws of the legal arena in place:

- Soliciting services of prostitution at public places
- Carrying out prostitution activities in hotels
- Being the owner of a brothel
- Indulge in prostitution by arranging a sex worker
- Arrangement of a sex act with a customer

Now the situation is such that the activities mentioned above are very much real and exist alongside. So by outlawing them does the Indian legal system make prostitution illegal? Because in most cases, government officials tend to ignore this fact that illegal trafficking of women and children is the root cause of growing prostitution as a business.

7. Conclusion

While prostitution is legal in the India, there is a lively debate as to whether this is acceptable. Prostitution is often viewed as morally impermissible, and therefore, wrong. However, as John Stuart Mill states in *On Liberty*, it is not clear that the government is or should be in the process of regulating morals based in paternalistic reasons. Something should not be regulated for someone's 'own good.' Acts that are primarily self-regarding that do not harm or affect the interests of others should never be regulated for someone's own good. Things should only be regulated if they harm others. Whether an act is moral or immoral is beside the point. So, laws against prostitution, which is primarily a self-regarding action, which affects others only with their consent, should not be illegal.

Further, it is not at all clear from this point that prostitution is in fact immoral. Theories that condemn it as wrong and impermissible tend to call upon various ideas of impropriety and unnaturalness to show why it is immoral. St. Thomas and socio-biologists claim that the only proper function of sex is for procreation, and thus prostitution is morally impermissible on this account. Similarly, Roger Scruton claims that the only proper function of sex is to express love because of the interpersonal nature of the act. However, among other issues, the primary problem with these two theories is the failure to connect the morally improper with a failure to fulfill the function of sex. The morally proper and the natural or proper function of sex are never shown to be the equivalent. Additionally, it is not at all clear that there is only a single function for everything. The radical feminist view that any heterosexual form of sex is immoral because of the power differential between men and women present in society makes it such that women can never properly consent to sex because women are always in a state of subjugation has many problems as well, not the least of which is universalization of the position of women that does not account for individual experiences of women. To claim that women as a group are suppressed by men as a group is a common feminist claim that is accepted by many. However, to claim as Pateman and other radical feminists that because of this every woman is therefore coerced or forced or subjugated by every man is simply untrue. This fails to account for an interaction between a successful woman CEO and a poor man, or any woman in a place of power interacting with men. To say as Pateman does that this does not matter that she is still a victim of subjugation, is simply unfounded. To universalize such a general claim is a huge fault in such a theory. These theories simply fail to provide adequate reason to suppose that an act such as prostitution is immoral. The theories are weak in many senses because they insist that any act that does not fit within the parameters of the theory, which are already on shaky ground, is morally impermissible. If the theories instead represented the ideal situation, there would be little problem with accepting one or the other as a personal preference attempting to live up to the ideal. In which case, failing to live up to the ideal, which is less than good, is not immoral. So, not only should prostitution not be illegal whether it is moral or not, it does not even appear to be immoral.

By looking at theories of consent that are based on a concept of autonomy, one is able to understand that prostitution, when performed under certain parameters, is morally permissible. The idea of personal autonomy or sovereignty is a part of what it means to be a human. Everyone has a sense of self and self-rule that allows for one to act and make choices based on their own decisions. When one acts in a way that does not infringe another's autonomy or significantly harm their interests, then they should be free to do so. If one does want to act in a way that does affect the interests of others, they are permitted to do so only with the permission, authorization, or consent of the other. This consent that is obtained must be valid. In other words, it cannot be gotten through coercion or deception. It must be gotten from a freely (unforced), informed consenting adult who is competent to make such a decision. If the agent is underage, under the influence of alcohol, or mentally deficient or disturbed, then the consent obtained is not valid. Additionally, if the agent is forced or coerced in any way either physically or through lying and withholding relevant information, then the consent is invalid and the act is wrong. However, if the consent is validly obtained, not only is the act allowable, but it is morally permissible. Indeed, not only should prostitution not be illegal based on its moral impermissibility, it is not even morally impermissible to begin with.

To conclude, prostitution, as such, is not coercive or immoral, so long as valid consent is obtained. Indeed any sex act that occurs between freely, informed consenting adults is morally acceptable. Prostitution is a combination of consenting sex and contractual exchange. Any governing set of rules or morals that govern prostitution are based on this dual aspect of the act. If the act is between such validly consenting adults, who agree to the terms of the contract and fulfill the terms, there should be no immoral issue with prostitution at all.

References

- Aquinas, T. (1956). *Summa Contra Gentiles*. New York: Doubleday. pp. 13-14.
- Benjamin, H. (1964). *The Prostitute in Society*. London: Mayflower Books. pp. 24.
- E, Albert. (1951). *International Journal of Sexology*. New York: University Books. pp. 127.
- Fernando, H. (1962). *Prostitution and Society*. London: MacGibbon & Kee. pp. 17-18.
- Maryse, C. (1950). *A Month among the Girls*. New York: Pyramid. pp. 31.
- Mill, J.S. (1956). *On Liberty*. Indianapolis: Bobbs-Merrill Educational Publishing. pp. 71-72.
- Pateman, C. (1988). *Defending Prostitution: Charges against Ericsson*. Stanford: Stanford University Press. pp. 123-127.
- Rovert, V. S. (1949). *Sex and the Statutory Law*. New York: Oceana. pp.7.