

David Bell And Lori Watson-Jaws of Justice-January 2023.mp3

Speaker [00:00:00] The views and opinions of this program are those of its host and guests and do not necessarily reflect the views and opinions of 90.1 FM, KKFI Mid-Coast Radio Project or its staff and volunteers.

Terri [00:00:22] Welcome to Jaws of Justice Radio on 90.1 FM, KKFI, Kansas City Community Radio. It's Monday morning. My name is Terri. Today, host David Bell and his guest, Lorie Watson, discuss structures and systems. Dr. Lori Watson is a professor of philosophy at Washington University in Saint Louis, Missouri. Her research interests include political philosophy, feminism, philosophy of law and ethics. Is it any wonder she's been asked to speak on Jaws of Justice? Dr. Watson and David will discuss the intersection of sex work and the criminal justice system through a philosopher's lens. Lori Watson has written books ranging from Logic to Sex Works. With a Ph.D. in philosophy, she loves knowledge and the application of logic to what an individual believes to be true. Please stay tuned to listen to her thoughts on whether the treatment of sex as a criminal court matter is fairly and logically applied. We look at where we've been, where we are, and make plans for a better future. David and Lori try to identify systemic differences between deception and truth, and they ask us: Is what we believe making logical sense? We'll play the calendar in the middle of our hour. Today, we'll close our hour with a segment of prison radio, Eddie Treadwell's commentary of peace on the 22nd of each month. For January, that date is over, but February is coming. On Jaws of Justice we examine how to find justice in our society. Justice will not be served until those who are unaffected are as outraged as those who are. Now we begin our show. Host David Bell speaking with Dr. Lori Watson.

David Bell [00:02:23] Good morning. This is David Bell and you're listening to the Jaws of Justice on 90.1 KKFI. We finished our series on trauma and today we're going to start a series looking at structures and systems. But don't worry, I promise there'll be a conversation about sex within that to keep everyone interested. You know, I remember a story my parents told me about. I was standing or my parent, my mother was holding me or I was near a stove and they were telling me not to stick my hand in the spaghetti that was boiling on the stove. And of course, I wanted to and I did for a second, and I learned not to do that. But I'm sure many of you out there have not stuck your hand in spaghetti that was boiling on the stove, but yet, you know, not to. And I want you to think about where that comes from. You didn't experience something, but you know something or you think you do and therefore you act accordingly. Last week I was talking to someone from Eastern Europe who's coming over to Kansas City to live, and he was asking where he should reside. He wanted to rent an apartment for him and his wife. And he told me before I had even brought up different parts of town, perhaps where he may want to be. He said, I already know not to live east of Troost. How would he have learned that? Where would that have come from? And he is already willing to act on information for which he has no experience. Today we're going to talk about how some of those structures and systems come into play and we're going to talk about how we make decisions based on those. And then we're going to also talk a little bit about how we uncover those. And as an example of that, we'll look at part a portion of the criminal justice system dealing with sex work for all of these things. Welcome to our show, Professor Lori Watson. She's a Professor of Philosophy at Washington University in Saint Louis. She's authors of books such as a Concise Introduction to Logic, Equal Citizenship and Public Reason of Feminist Political Liberalism, Debating Pornography and Debating Sex Work. Good morning, Professor Watson.

Lori Watson [00:04:12] Hi. Thanks, David. Thanks so much for having me. Pleasure to be here.

David Bell [00:04:16] Thanks for being here. I'm really excited because I love peeling back, if you will, these layers of the onion. And with you, I want to begin in the beginning, which is, first of all, how would you define philosophy as we go along this brief journey today?

Lori Watson [00:04:31] That's a great question. I think I mean, starting at its roots, Philo and Sophy, it's the love of wisdom. So generally in the academy, we, you know, start philosophy with Socrates, although there are the pre-socratic and the precursors, but we have mostly our fragments. So at least in the Western world, philosophy sort of begins in earnest with Socrates. And so really philosophy and isn't it's not an empirical discipline, it is a reflective conceptual discipline. So we want to think about the nature and meaning of terms like Socrates was concerned with what is justice? In one of his famous dialogs, he never wrote anything. Plato transcribed what is either very fine examples of or nearly verbatim types of conversations that Socrates had. And there's a dialog called Euthyphro, in which Socrates is engaging with a character named Euthyphro. And essentially the question he wants to get at is what is the nature of piety? And so the dialog proceeds with Socrates asking Euthyphro, a series of questions, trying to get at a conceptually clear definition of the term pious and it leads to this question is something loved by the gods because it's pious or is it pious because it's loved by the gods? The modern day version of that would be is something, right, Because God commands it or does God command it because it's right? And so it gets to the nature of morality and trying to understand how we use these terms, what the reasons and arguments for understanding justice one way rather than another is. And that's not an empirical investigation because people, you know, differ as to what counts as justice. So we couldn't just take an opinion poll. We have to rather step back and think, okay, what kinds of reasons support a particular view of justice versus another? And when you are engaging in that stepping back reflection about what kinds of reasons support a particular view of something like justice over another, you're doing philosophy.

David Bell [00:06:48] And, you know, I was thinking about how many things I do during the day that I thought I chose, but really it was chosen for me to a certain extent, a system in which I'm already in but may not fully realize it. You know, I go to work pretty much the same way every day, and I guess I have choices. But I picked a way to go. And that way, though, has been predefined, if you will, by where the highway was put, where I decided to live with and where I decided to live was based a lot about on, maybe past experience. Things have been handed down to me. For example, I know you're in St Louis, but you know, east of Troost has been a dividing line in Kansas City. You know, de facto de jure to a certain extent. And we're going to talk about that in later shows. But I guess I'm concerned, Professor, or want to know how is it that I learn about the very systems in which I'm operating that I might not be able to see? It's almost like I'm it's almost like I'm looking at I'm running around my house looking for my glasses and they're on my face, but I can't see them because they're on my face. How do we, as a philosopher, how do you even uncover or begin to identify these various systems in which you live?

Lori Watson [00:07:53] Well, that's a hard question, I think. I mean, there are different methodologies that one might approach. I think one of the things that is at least important from my perspective about and this gets to what philosophy is too, and I think goes back to its roots. Philosophy is not, despite perhaps a caricature best done internal to one's own

mind, it's best done in conversation and in engagement with others. So one of the ways we uncover new insights about the world we're living in or come to see or illuminate things that were previously not a part of our perspective is by carefully listening to others and listening to their set of experiences and coming to understand how we stand in a relation to our own, say, blind spots, if you will, and how their experience and its difference can illuminate things for us. So if you think about I was actually had dinner last night with a former student who wanted to ask me questions about gender and equality, and he was explaining to me that he had taken this course and that it was a women's studies course and that he was the only man in it. And that, you know, basically the women in the class seemed to see the world differently than he did. And he wanted to get at the idea of like who's right and who's wrong about what the world is like. And while I certainly think there's a truth, I think about what the world is like. Diverse perspectives, and especially being in the position of Troost, is the name of the street? So people who live on the side of Troost, that is more of a barrier, meaning their quote, kept there, will have insights and knowledge about the experience of being on that side of the line, that people on the other side of the line will only get through asking, listening, engagement and reflection, reflecting on what it's like to live in a world in which that barrier isn't about keeping them out, but keeping them safe. And so the way that one is positioned socially relative to some rule or relative to some barrier matters greatly for how the barrier works, how it's seen, how it's understood. Does that make sense?

David Bell [00:10:19] Absolutely. You know, and what I what I hear you saying is that and I guess for some reason I was thinking like philosophy would be some type of and I forgot the term, some logic, some logical derivatives, like if this, then this, then this, then this, and that's it.

Lori Watson [00:10:36] Definitely that part of it. And I wrote a book doing that.

David Bell [00:10:39] And is that is that the concise introduction to logic? Is that what that.

Lori Watson [00:10:42] Yeah so that is a formal methods introduction to philosophy and some philosophy is like that. Some of our arguments take the form of syllogism for example, but if you're doing engaged philosophy or philosophy about the world, you're going to be doing inductive reasoning, and that's taken up in that book too. But inductive reasoning isn't certain, isn't, you know, deductive and deduced from premises alone. You have to figure out what the facts are and how to weigh and sort evidence. And that in itself is a challenge. I mean, as we know now, the facts themselves are often in dispute.

David Bell [00:11:21] Well, what I also heard in your introduction about the philosophy here is that I certainly could go into a cave and meditate on a rock and come up with a structure in which to view the world. And maybe I could do it myself while living in that cave on the rock.

Lori Watson [00:11:34] Right.

David Bell [00:11:35] But what I've heard you say is that at least in how you well, I don't know how you define philosophy, at least how it works in your area. It requires that interplay with other people. It's not just about some theoretical something, but rather how it how it plays on the streets. Right. Because otherwise, I guess it's what, just some theoretical. Well, this just some cloud in the sky.

Lori Watson [00:11:57] I think it depends I mean on the - I do social, political, legal philosophy. So that sort of subgenre of philosophy is very concerned with people's lives, how they're going, how to make them better, how to identify the ways in which people are harmed and so on. So that requires this kind of like, you know, deep, relation with the empirical evidence. But if you, you know, want to be Descartes and think about the abstract question of how do I know when I have knowledge? That could be worse, more of a purely solipsistic enterprise in which you're reflecting about the contents of your own mind.

David Bell [00:12:39] Well, it wasn't it Descartes I know. And the joke I told you a little while ago when we were just talking, the only philosopher joke I know was guy walks in the bar, waitress comes up, says, Would you like a drink? Descartes says, I think not. And he disappears, right? Because his thing, I think is I think therefore I am. And I think he was talking about as evidence of me being I'm here thinking the way I viewed it. Well, was more like the evidence of I think therefore I am is more I we all create the structures with which we view the world. And I guess as we move on to inner interfacing with other people, I know you told me a story about a family member of yours who has some type of mobility challenge. Right. And how that how that helped you kind of understand is just a very simple example, but yet one I think we can kind of use as a foundational example as we go to more, more difficult subjects.

Lori Watson [00:13:27] Sure. Like, if you could think, you know, some philosophers might approach the question what is fairness or what is equality from a purely sort of abstract approach of thinking about, you know, how how two objects or two things relate to one another? Do they have equal weights? Is that, you know, the measure or are they interchangeable or are they fungible? How do we understand those concepts? And I think the point about mobility brings it to the kind of methodological approach to philosophy I take, which is if you're thinking about do we live in a just and fair world, we have to think about the various social positions people occupy. And for people who are able bodied, there's lots of stuff that just doesn't register for you. So you're walking across the park, you make it to the other side. You don't think about, you know, many of the steps in between. And but as I was saying, my mother has multiple sclerosis and for her, walking across the park would require more benches than, you know, maybe might otherwise be there. And so that kind of observation that how the world is structured for certain people to get by in the world or get through the world varies on their social position. And by that I just mean the facts about them, how they relate to the world. And so effectively, the world is built for able bodied people. And until for many of us, until you know or love or care for someone who doesn't fit that description, you might not see the ways in which the world is structured on the assumption that human beings have two legs that can get them everywhere they want to go in a certain space of time. Right? And so one really simple example of this, too, is on college campuses, which are often, you know, sprawled out, there's usually a ten minute time period to get from one class to the next. Well, that's, you know, given the space of the campus, that might be a reasonable assumption that the average sort of human being can do that. But if you take into account that there are human beings who might take longer or have mobility issues, that 10 minutes looks different from their perspective than, say, yours or mine.

David Bell [00:15:43] And what I hear from that is interesting. I'm thinking to myself, all right, let's say I was an architect. I was designed to I was I was hired to design the park that you and your mom walk in or I was designed to I was hired to design the the college campus. And I'm a good person, but I go into my studio and I make a design that's beautiful with trees and things like that. And I don't. It doesn't even dawn on me. Your

mother has that issue or that or that someone on college campus doesn't isn't going to get around like I got around on college campus. Then I design something. Then you, professor, come to me and say, Hey, David, why are you such a schmuck for not doing it? I'm like, why are you attacking me? For me, it's what I did. I'm a good person. I did the right thing. I didn't do it intentionally. I certainly didn't do the wrong thing. But yet it sounds to me like certainly how we know that happens. But but I'm almost wondering in the type of philosophy that we're going to be discussing more here, that that it requires the ability to take into account kind of the vastness of the human experience. Otherwise, it's almost like a like a subjective philosophy, I guess, or yeah, it's certainly not universal.

Lori Watson [00:16:47] I think that's right. And I think that that the point to hone in there on what you said is lots of really good people with really good intentions can fail to consider what's outside their experience because for whatever reason they haven't come into relation with, they haven't had reason to contemplate the living conditions of others. And so then when I say to you, Hey David, there are lots of people in the world who need access in certain ways, you'd say oh, of course. How did I miss that? Well, you missed it because it wasn't a part of your, you know, immediate universe of living. And so part of philosophy's job, I think, at least, is to point out those things. And part of the sort of call to doing philosophy is being able to articulate to people then the ways in which the things that aren't obvious to us matter and should inform our actions or thought or ways of engaging with the world.

David Bell [00:17:48] And the way you describe philosophy. And again, for our listeners, we will get to *Debating Sex Work*, which is a book that you wrote, and also some of the arguments for and against various systems. But from what I hear you saying, Professor, it almost sounds like you engage in statistics sometimes or you engage in empirical studies, like this is how it actually impacts someone. I'm going to do a poll of these this group of people. I'm going to do something to find out the actual real-world impact that.

Lori Watson [00:18:15] I do. Not all philosophers do, but I am a feminist, trained and trained in feminist methodology. And so I very much think you have to start some of this thinking with the facts on the ground. And so if you think about, like the early feminist movement or the second wave of it in the US, it began by what's called consciousness raising groups where women would come together and describe their collective experience and individual experience of being a woman in the world and what that felt like. And that moment of sharing with others your experience. You know, my boss was hitting on me. I don't think he meant anything by it, but it made me feel uncomfortable. That was the ground and the root of the recognition that sexual harassment was a phenomenon that was pervasive and systemic. And it wasn't about the individual woman. So it wasn't her fault. It wasn't her responsibility. She wasn't doing anything wrong to provoke it. It was in, you know, the culture and the nature of women entering these male spaces. And you know, that beginning inside of, hey, many of our bosses are making sexual overtures to us in ways that feel uncomfortable or ways that make us feel trapped or in ways that are abusive was the ground that ultimately led to the origination of a legal account of sexual harassment and its recognition as a form of inequality. Whereas in the early days it was just like, that's just how men and women interact, that's just how it is. So so in my view, thinking about lived experience and then the statistical reality of its pervasiveness can be illuminating to understanding how structures like gender shape people's lives in ways that can be harmful.

David Bell [00:20:13] But how do we go from this is just, you know, this is just how boys act, right? Or this is just how men and women interact. How do we go from that to a group

of women getting together in a consciousness, kind of raising a group? How does it go from this is how men and women act to, hey, I think there might be something wrong here, and it's not wrong individually with each of us. There's something wrong more so with the system in which we reside. How does it get from one place to the other?

Lori Watson [00:20:40] Well, I don't think I don't think there's any one answer across groups. But it's certainly true that there can become an aha moment when you realize that people who share something in common, whether it's gender or race or sexuality, are all having the same experience. And so what looks like an individual experience starts to look like a group based experience. Well, if you know, the just the fact that we're women is what we have in common. And the experience looks eerily familiar over and over again. What is the relationship between the experience and being understood as a member of this group and how do they fit together? And then you had a lot of brilliant women putting the pieces together and creating theories, legal theories and philosophical theories, explaining the nature of that gendered relationship and how it structured power inequality in the workplace in ways that led to the vulnerability of women to pervasive sexual harassment.

David Bell [00:21:48] And so it sounds to me like which is kind of cool here, is that this group gets together and I know we're talking just generally, but a group of women get together like, wait a minute, this having. No, no, wait a minute. This happened to me. I thought it was me. It's not me. It's something bigger. And then philosophers, as an example, potentially would come in and say, All right, you you're telling me an experience. We have a number of people that are sharing a similar experience. If that's the case, you everyone here comes from different walks of life, different other categories. Let's figure out what system may be giving rise to the shared experiences you're talking about here. And is that what we're talking about?

Lori Watson [00:22:23] Well, I think some of that happened, but a lot of that work was done in the So these were activist theorists who were doing it together, and they're naming gender as a system. So there's this early book that has been widely criticized for a number of reasons. One, it's like overemphasis on the white middle class woman. But Betty Friedan book *In the Sixties* says starts out with something gender is that problem that has no name. And so what she it's kind of this call to reflection about the way gender norms shape women's lives in common ways. And then what follows from that. How it harms them, how it restricts them, and how there is an inequality between, you know, living in the world as a man under certain conditions and living in the world as a woman. And then philosophers will come in and legal theorists and others and say, okay, well, how do we how do we create conditions of equality between these groups that have been shaped for millennia as members of, you know, the category man or woman or white or black or indigenous or, you know, colonial or whatever the category, some group of people with status and power and privilege and some people without it. How do we create a world in which there's more equality? That's what I take my job to be.

David Bell [00:23:47] This is David Bell, you're listening to *Jaws of Justice* on 90.1 KKFI. Our guest today is Professor Lori Watson. We're talking about philosophy. We're talking about systems in which we live, how to identify them. When we come back, we're going to apply it to real world scenario with regard to one of Professor Watson's work *Debating Sex Work*. This is *Jaws of Justice* on 90.1 KKFI.

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Terri [00:25:33] Now the calendar for the week of January 30th. There is a play at the Unicorn Theater from January 25th to February 12th, 2023. If you're interested in refugee problems and rights, you can see this: *Refuge* co-created by Satya Jani Chavez and Andrew Rosendorff. Translation by Maria Luisa Burgos. *Refuge* contains adult subject matter and is recommended for ages 16 up. *Refuge* is produced at Unicorn Theater 3828 Main Street, Kansas City, Missouri as a part of National New Play Network Rolling World Premiere. Moms Demand Action for Gun Sense is an active group of mothers and others who advocate common sense about guns. To see events go to [moms demand action dot org](http://momsdemandaction.org). Today, Monday, January, 5:30 p.m.. There's a Justice Matters community meeting about the Douglas County, Kansas jail report in the auditorium of the Lawrence Public Library, 707 Vermont, St. Lawrence, Kansas. For years, Justice Matters has pushed for a comprehensive study to help understand who is in the Douglas County Jail and why. The Vera Institute of Justice has completed a study. This is the public's chance to learn about it. Thursday, February 2nd at 5 p.m., there's a meeting of the Empower Missouri Community Justice Coalition, a multi-sector team of dedicated advocates who envision a future without mass incarceration. This is a virtual meeting and the access link is at [Empower Missouri dot org](http://EmpowerMissouri.org) or on our website. A list of services, meals and hotlines are available at [Lawrence Progressive Calendar dot blogspot dot com](http://LawrenceProgressiveCalendar.blogspot.com). That list is updated daily. Please take care of yourselves and others. Thanks to all our listeners. Stay close to your dial and stay well. My name is Terri, reminding you that these events and more can be found on the Jaws of Justice Radio Facebook page, as well as the Jaws of Justice Radio page on the KKFI Web site [KKFI dot org](http://KKFI.org). We now return to our program.

David Bell [00:28:03] This is David Bell on 90.1 KKFI. On today's show, we're talking to Professor Lori Watson. In the first half hour, we talked about philosophy. We talked about identifying systems, examples of that. And now we're going to talk about a specific one within the criminal justice system. And it focuses primarily on one of Dr. Watson's books, *Debating Sex Work*. First of all, Professor, I know with some reading, some of your work, the term work is kind of an air quotes or when I say sex work. Yeah. Could you help us define that the category. The thing we are talking about so we can better understand how to apply some of the things we learned in the first half hour of the show?

Lori Watson [00:28:43] Sure. So the most popular, or frequently used term now, and this is actually a result of a lot of activism for what most people would refer to as prostitution. What I call prostitution is sex work. Now, one thing to note, sex work as a category is much broader than just transactional sex. It includes pornography, it includes stripping. So it's a broad category of activity in which sex or sexual activity or sexualized activity is, you know,

in a market. The book you are referring to is just about prostitution. I have another book on pornography. And the reason for separating them, at least from a kind of practical policy point of view, is that given the different ways in which sex is mediated, whether it's, you know, a transactional sex in person or, you know, through video or in the old days, magazines or so requires a different analysis because if you're going to deal with pornography in the United States, at least you got to talk about the First Amendment. But conduct, as you well know, which prostitution is. And we could have another conversation, another day about whether or not pornography is, doesn't have the same kind of protection one, you know, as an initial matter that that speech does. And so sex work is a broad category. This book just focuses on prostitution. And really the I have a coauthor, Jessica Flanagan. She's at the University of Richmond. And the book, I guess I'll make a couple of points just about the set up. So for the both the pornography and the sex workbook, they're both debating books. And that was an intentional choice on my part because I think that these topics especially are controversial topics in which people are deeply invested in one side or the other. The best way to think carefully about it is in conversation with someone who disagrees with you. So sort of singing to the choir, echoing to the chorus makes no progress for anyone. And so if we want to think hard about these issues and this is part of the model of the philosophy I was referring to in the first part of our discussion is you got to get to go with someone who disagrees and will challenge everything you say because that makes you explore more deeply and think more carefully about whether you should revise your view or whether or not there are better or clearer reasons available for the view that you do hold. And so in this book, as a debating book was important to me for, you know, the average reader or student or whoever is going to engage with it to be able to see fully two people committed to different conclusions but have a conversation in a productive and fruitful way about how and why and where they differ in drawing those conclusions.

David Bell [00:31:42] And when we talk about sex work. You know, from this kind of, I guess, deductive reasoning or the philosopher in a cave, you know, meditating on a stone. One party has something that the other party wants and is willing to pay for. And so the only reason, at least that I can see and this is mentioned in what I read, is the only reason, at least without looking at empirical data of the impact, but the only reason that you would criminalize that behavior, which it is, is morality. But that creates a problem in and of itself, right? In terms of do we want do we really want morality as the reason to come in? It is that is that in fact, the basis for a significant amount of of a number of laws criminalizing?

Lori Watson [00:32:28] Well, it certainly is, but that's not the view I hold. So I think as you expressed it and as reflected in the book, what you just described is what philosophers would call ideal theory. So it's sort of set back and ask the question in itself, apart from the empirical facts or the contingent could be otherwise realities. Is this activity wrong? And I discuss in the book why I think that approach is misguided. And one sort of reason is whether or not it I mean, it would depend if in our idealized scenario we had full equality among the transactors, if you will, the people exchanging goods. Would there be a war? Would there be prostitution or transactional sex in a world in which there was full equality? And I think the honest answer that anyone should give is, I don't know. I just I don't know. It's an I mean, I don't know. What would the world be like under conditions of full equality? I mean, famously, Marx didn't say much about communism after because the answer is, I don't know. I don't know what that world is going to look like. It's so far.

David Bell [00:33:39] It's so far out. It's so esoteric, even to the philosopher, that there is a.

Lori Watson [00:33:42] Situation, I don't know, I could imagine.

Lori Watson [00:33:45] But what? That's not that interesting. So.

David Bell [00:33:47] So. So if we're not going to look at it from that kind of theoretical position, then how do we analyze the criminality or making this behaviors criminal, both from what I'll call the John side and from the the person providing the services?

Lori Watson [00:34:03] Well, so what I think is we start with asking certain questions and looking to the empirical answers, who's there, meaning who are predominantly in the position of selling sex? Why are they there? Why do some people do this and others not? Who are the buyers? Why are they there? What is their, you know, get - Well, obviously, besides sex and looking into those empirical questions, what we know and this is sort of, I think, the starting point for thinking carefully about it and Jess agrees. And basically anyone who works either as an activist, as a part of an NGO or as an academic looking into how we ought to think about prostitution from a matter of policy, acknowledges this premise. So this is not a controversial premise. People who sell sex are predominantly women, number one, and women from intersectional forms of inequality. So women who are not only women, but also women of color and native women or indigenous women, trans women, poor women. And so inequality and desperate economic inequality is the primary reason that people undertake to engage in prostitution. So some have analyzed that phenomena and describe prostitution as engaging in survival sex. More radical views call it sexual slavery. And so I try to avoid the more moralistic tones of it because I think it's not a moral issue. So a world in which, you know, everyone's having the casual sex they most want, for whatever reason, troubles me not. I have no sense that, you know, sexuality is, you know, something to be policed by our collective mores. But if, you know, one group of people are systematically in the less power or less privileged position like women in prostitution are, and and they're harmed by that. Now, I want to think, well, well, how does this how does this work and how what are the harms and how do we articulate them and what should we do about that? I was just going to say briefly that the people who disagree with me, including just think that sex work like is work like any other form of work. And so they would argue its own, the only people who would think sex work is different than, say, working at some other crappy job because you don't have money like, you know, being a host at Wal-Mart or whatever. You know, the exploitative crappy job of the day is. The only difference is that it involves sex. And, you know, people like me are super uptight, they'd say or prudish about sex. And so there's no difference, you know, between selling your body as a laborer where you're lifting bricks or what I'm doing now, which is, well, you're not paying me. But we'll talk about if I'm, you know, selling you my mind, say you're giving me, you know, a hundred bucks for doing this Why is that not problematic? Because my mind is like more me than my genitalia. And so. Right. These are the kinds of arguments that push back on the idea that there's anything unique about prostitution and sex work. And of course, in the book I say, well, wait a minute, and let me give you some arguments that that it is.

David Bell [00:37:47] So briefly, though, and I know where morality is not necessarily trying to impose morality. This is. But certainly, Professor, there is a value judgment somewhere at the beginning of you, if you will. Yes. That says I don't like seeing harm done to people in a position of less power, maybe harm done to anybody. And so there has to be there's a certain foundational, I don't know, value from loss of fear that gives rise to the fact you're asked this question. So what is that if it's not morality?

Lori Watson [00:38:19] Okay. So I guess now we can get sort of technical about how we're going to use the word morality. So of course, there are normative moral value judgments in our legal system. It shot through with it, right? So if the foundation of the United States is freedom and equality, freedom and equality are both values, right? So I would say, however, we could distinguish between political values and reserve moral for a technical use. So this is kind of stipulative for the moment or our own individual views about what it means to live a good life. So there's a lot of diversity about that in answering that question How should I live a good life? What are the values that should structure my life? And in a, you know, a liberal society and listeners, I don't mean liberal in a sort of pejorative sense. United States is a liberal democracy, even if you're a Republican, right? Meaning it is a democracy that values freedom and equality and thinks for the most part, the government shouldn't be telling you how to structure your individual value, commitments and life, right. So that the government shouldn't legislate a full scope morality, so that if you break your promises or you cheat on your spouse or your that, you know, the moral police are going to come get you. So. I would say that, yes, the values of freedom and equality are normative values, but they're squarely within our legal system, grounding the sort of constitutional structure reflected in the Constitution in a number of ways, and that appealing to those more universal and shared values that all citizens are free and equal persons is different than appealing to a sort of more comprehensive morality which says, you know, you should have sex with one person over the course of your life. And virtue consists and fill in the blank.

David Bell [00:40:21] So so looking at that and looking at that, the harm caused, looking at the individual. So. So it's clear it's not the Pretty Woman movie scenario. And I will say that's been certainly consistent with my work in representing individuals who have been charged with prostitution and johns that have been charged attempting to purchase prostitution usually. And I think it was mentioned in one of your works, the John gets like a has to go to a class on why this is bad and they're done. They don't have a record and usually it's it's somewhat light on the the person that's working as well but I'm not sure at the end result what it does other than provide me personally as a lawyer with with more money.

Lori Watson [00:41:04] And also depending on how many charges. So the first offense is sort of maybe lighter, but as you stack them up. Right, that starts to change. So both Jess and I and I'm sure based on, you know, some conversation that you might agree with this, I think full criminalization, which is the policy in the United States, everywhere except parts of Nevada, is bad. And. Helps no one. So I do not advocate for full criminalization where people, women largely who are prostituted or sell sex are criminalized. So I argue for the full decriminalization of anyone selling sex. But I argue for the criminalization of the buyer. So this is what's known as the Nordic model or the equality model or the Swedish model that's had given various different names. And it is the law in Sweden and various Nordic countries. And it's expanded. So South Korea, France, the European Union recommends that as the policy position for all member states. And so that's the policy position I recommend. And and the way that I describe it when I'm teaching it to my students is it's an asymmetrical solution to an asymmetrical problem. So treating meaning, if there's an asymmetry between those men who are buying and the women who are, you know, being bought, then the answer isn't to treat them the same. By criminalizing both behaviors, there's an asymmetry there. So let's have an asymmetrical solution. Decriminalize those who are bought and criminalized, those doing the buying as a way of eliminating markets and sex.

David Bell [00:42:57] And so but ultimately, though, I think also we talked about there has to be some wraparound services.

Lori Watson [00:43:02] Yeah, absolutely.

David Bell [00:43:03] Because otherwise you're you're depriving. Yes. A person of the only means of survival they may have, which is why they went into the work to begin to.

Lori Watson [00:43:09] Right. So the the model includes full decriminalization of those. But with a it has to have economic services, you know, either in the form of well, certainly in the form of some income, education, childcare, health care, basic human needs. It need to be met or the model won't work.

David Bell [00:43:38] But but so so now we've we've talked about. All right, we're looking at some empirical data. Who is in the who is selling sex? What situation are these individuals in? We said primarily women. Primarily. They're doing it as a last resort to make money. A number of other things that place them at a disadvantage, certainly in in society. And so looking at the laws, the Nordic model, which is what you're arguing for, it tends to attempts to which you said make a asymmetric solution to an asymmetric problem. But then I guess so now you've come up with a system, if you will. We're going to make it this asymmetric solution. How do we test to see if this asymmetric solution, the asymmetric problem, is in fact a solution? How do we know that we're getting anywhere?

David Bell [00:44:25] Well, there is data from the countries that have adopted it, and there's also data from the countries who have full decriminalization or legalization. So New Zealand, let me just define those terms for our listeners. Sure. So full decriminalization would be a complete hands off approach that the the whatever conduct or behavior in question is not the subject of laws of penalty, but nor is it subject of laws of regulation. And so people use the term decriminalization, especially advocates or full decriminalization for the position they prefer. And it's what Jess and the book prefers. But actually, even in countries that call themselves decriminalized, they're not that. They're not that ideal because there's always regulation. And so the line between legalization would be where there is specific laws, like you have to have this kind of license, there are zoning laws, there are age restrictions, there are regulations about how, you know, any quote, business might be conducted and that would be legalization. So even in countries that call themselves decriminalized like New Zealand, they're regulations that have features of the full legalization like Germany does, in which you have to have brothel licenses. People who work in brothels are subject to taxes. Right. So on decriminalization, there would be no taxes directly. I mean, yeah, although everybody has to pay tax on income. So I don't know. That would be kind of like an Al Capone situation. I don't know. You might know more about that than me.

David Bell [00:46:10] Plead the Fifth. But yeah, go ahead.

Lori Watson [00:46:11] And and so so in countries where the Nordic model is is adopted, is there been a is there been a a positive something. I don't even know what that means.

Lori Watson [00:46:20] So two things that I'll just highlight. One in Sweden in particular, they've done studies because it was passed in 1999. So we've got two decades of evidence and the reduction of people in prostitution has been significant. The reduction in buyers has been significant. But the other really interesting phenomenon and part of the

support in my argument is where you have legalization or full decriminalization, you get a huge influx of people into that market. I.e., there's a lot more sex trafficking.

David Bell [00:46:58] I see.

Lori Watson [00:46:59] And. That's because the market, when you get toleration, whether that's decriminalization or legalization, the demand grows. And where demand grows, supply needs to grow and supply of the given country is insufficient to meet the demand. And so you often have you know, these are politically charged terms, but sex trafficking into areas to meet demand or as other people would call it, you know, on the other side, migration for labor. But 70% of the people in the German market, for example, are not German. They are from former eastern former Eastern block countries or from South America. And so you get huge trafficking inflows. And there's been multiple studies by economists who, you know, have no dog in the race of what the policy position is showing that where you have decriminalization and legalization, you get a spike in trafficking and where you have the Nordic model, you get a huge drop. So traffickers aren't trafficking into Sweden and other Nordic countries. They're trafficking into places in which there's toleration. Toleration being the sort of term that's used to cover both legalization and decriminalization.

David Bell [00:48:19] You know as we come to a close of of of this half hour. And I really appreciate you kind of getting in to this in-depth conversation. I have to wonder, when I heard about this, the group of women we talked about this group, women getting together, like why this happened to me. This happened to me. You know, something arising from that almost of an empowerment. Now we're talking about this aspect with a helping, if you will, the not helping, but certainly trying to an asymmetric solution to an asymmetric problem. I don't hear anything about going after or using the systemic approach to the to the individuals causing or certainly demanding the service. Right. Or or causing the problem. Right. So in this case, men. Right. And I wonder, is that not part of the work that you would do? Because certainly we try to help individuals that are suffering. But one way of doing that would certainly be to go to the individuals who are bringing about this up.

Lori Watson [00:49:12] Sure, sure, sure. Well, there are I mean, part of that drop in Sweden from buyers. It was the result of a massive education campaign to men about the harms of prostitution. And it had an effect and a unique effect perhaps in Sweden, because it thinks of itself as a gender egalitarian country. So you're already having men coming to the table with the belief that they view women as their equals, and then to be informed of the ways in which this participating in prostitution undermines that had an effect. So you had a drop, a significant drop in buyers. So I think certainly there is a lot of work to be done in asking men to think carefully about the ways in which their masculinity has been shaped and constructed by forces outside of them. Pornography being a prime example of the way in which. So one of the things I talk about in my work on pornography is, yes, it harms women. In all the ways that many of us are familiar. But it harms men too. And just tangible examples of that are. Pornography has a pretty rote and scripted account of what sex is and how sexual acts should go. And it's really become the major form of sex education for adolescents in the United States. It doesn't have a comprehensive sex education program, and it shapes, I think, and distorts ideas about what sex is, what men should be in relation to sex. Aside from that, it also has serious effects leading to erectile dysfunction, which is maybe another conversation. But men may care about that more than they care about the sense in which their sexuality isn't even their own because they are relying on a kind of dominant script about what it is to be sexually interesting to women. And that script is a lie. It's not accurate. And the women in pornography are

performing excitement and interest in activities defined from a kind of male gaze point of view, but then relating to actual women in the real world on the basis of that script is, well, I don't know. I mean, we could fill enough words there.

David Bell [00:51:37] I'm starting to sweat, by the way, now, Professor, getting extremely uncomfortable. I grew up and I know we talked about Sixteen Candles in the example in the movie that I grew up with. It was just a horrific example. As I look back, you know, ultimately, Professor, I guess for me is we talked about this in a discussion before the show and we'll close on this, is that, you know, ultimately we go back to the central value, whatever that is. I think if we start with something like empathy and love is something that you and I talked about, that how how do my actions and listen to believe me when I tell you this, I certainly make the mistake all the time of not doing this. But but how do our actions impact other people? And I guess not only that, but to make sure that when I say other people, I'm talking about as many people as possible. I certainly want to get to know at people that are in different situations than myself. Otherwise I wouldn't be able to answer that question appropriately.

Lori Watson [00:52:28] Sure. Sure. So I mean, I think and this in a way, goes back to the original discussion we had about philosophy. I think philosophers approach the world with a curious mind. So I think connecting to the idea of empathy and love for others, part of engaging with the others is to have a curious mind about where they come from, what their lives are like, what their experience of the world is like. And I think to the extent that all of us can pause and listen and take that in rather than, you know, prejudge or pre categorize, we create conditions for relating to other people in ways that are respectful. We might use the word loving there or caring or, you know, embracing of our common humanity. And I think I hope at the end of the day, that's what philosophy helps us all do.

David Bell [00:53:18] Professor Watson, thank you so much for taking the time to be with us today.

Lori Watson [00:53:21] Thanks so much. It was super fun. I hope we can do it again. About something else another day.

David Bell [00:53:25] I look forward to it. This is Jaws of Justice on 90.1 KKFI.

Mike Duggan [00:53:31] Mr. Atria will call in again up from Ken Ross Correctional Facility here at Michigan Prison. And we just had implemented a program of nonviolence, a day of peace, a day of healing on the 22nd of each month. It's called Cold 22. Cold 22 symbolizes peace. No violence for this one particular day of each month. On the 22nd, we have a proclamation. It has been accepted, followed by at least 13 of the cities here in Michigan, all trying to get it worldwide, or at least throughout the United States, in every city, every state, a day of peace, a day of heaven, which is necessary and is needed to try to save lives and violence. Stop crying. You don't understand what it reflecting upon or something to do something wonderful. It allows us to be our best selves and live in harmony with one another. And the proclamation is say no violence Day each 22nd day a date for peace healing address. Whereas a 22nd day of the month is officially proclaimed citywide on a day of peace and healing. In Detroit, a citizen is acts to honor the 22nd by promoting peace in their circle of influence, and where each 22nd day since October 2010, the UCOA has focused on those who have been victims of violence. Each month, families are invited to gather at an event that helps citizens turn their pain into power through practicing forgiveness and the discipline of making positive change. Whereas the United Communities of America is a community organization focused on the reduction of crime

through the promotion of peace, healing and positive change led by its founder, Pastor Davis. And Thou Shalt Not Kill message is on the forefront of the national movement to present God's Word over violence. And whereas, Honoring the 22nd day means the elimination of all negative emotions and potentially allowing peace to flow through each individual for one day, those engaged in violence or acts to stop and honor the goal for at least that one day with the goal of no violence across America. Now, therefore, I, Mike Duggan, mayor of the City of Detroit, do hereby proclaim the 22nd of each month a day of Thou shalt not kill a day for peace, healing and rest. This is the proclamation that have been implemented in Detroit, as well as 13 other cities in Michigan. And we trying to get to spread it and try to get some get it spread is trying to get some publicity. We're trying to get it known in practice as many people as possible to try to help facilitate peace and positive thinking within our communities and hopefully spread crime and have a better life for ourselves in our community. You know, I've grown to a thousand miles, beginning with the first step. I think the first step is to get the minds geared towards creating peace within them, sales and others. So that I leave you be Mr. Atria. Will Kinross Correctional Facility here at Mr. Ross have allowed us to practice this class. First day of this class will be started on the 7th of the next month on on Tuesday. So have a great day. And until next time, Mr. Eldridge, where I'm up. These commentaries are recorded by prison radio.

Music: [00:57:49] Sitting here in my prime. What am I gonna do now? Am I going to make it? Someway, somehow. Well, maybe I'm not nuts.

Jeff: We hope you enjoyed today's show and that we leave you with something to think about. Something to talk to your neighbors about, and a reason to get involved. As always, the opinions expressed are those of the hosts. And the guest of Jaws of Justice Radio, not of KKFI. The MidCoast Radio Project Inc.. And its staff or volunteers. You can find our calendar of events and a link to our show episodes on the Jaws of Justice Radio Facebook page. You can always listen to us live and find our podcast on the KKFI website, KKFI dot org. If you have a show idea or want to help produce the show, you can send an email inquiry or comment to KKFI dot org forward slash contact. This is Jeff reminding you our outro music is Higher Ground from the Playing for Change CD.