Selling bodies/selling pleasure: the social organisation of sex work in Taiwan

Mei-Hua Chen

Introduction

In daily practice, prostitution is simply the explicit selling and buying of sex. However, if we reduce the complex social practices of prostitution to sex we will fail to examine the economic, political and ideological underpinnings of prostitution, that is, the social problems that underlie it. As O'Connell Davidson has argued, 'the ills associated with prostitution can be addressed only through far broader political struggles to rid the world of poverty, racism, homophobia and sexism' (1998, p 189). This chapter will discuss the historical development of prostitution in Taiwan, the legal and feminist responses to prostitution, and some projections on the future of prostitution in Taiwan.

The national context

Organising against prostitution

The social and legal status of women in Taiwan has greatly improved in the past two decades. This success can be partly attributed to the campaigns of the women's movement in Taiwan, focusing on promoting women's equal rights via an effort to amend unequal laws. Women's organisations have existed since the 1920s; however, women's organisations propagating feminist ideals and devoting themselves to radical social change did not emerge until the Awakening Foundation was founded in 1982 (Hsieh and Chueh, 2005). The first campaign against the trafficking of children was organised by the Awakening Foundation, the Taiwan Association
International approaches to prostitution

for Human Rights and the Presbyterian Church in Taiwan in January 1987. It is generally considered the beginning of the women's movement in Taiwan. The campaign identified punters, traffickers, brothel owners, pimps and corrupt police at the centre of the abuse of child prostitutes. Moreover, inappropriate policies against the indigenous tribes that let them fall into poverty were considered as the major reason that young women and girls from these tribes were sold to brothels. Subsequently, the relatively large number of indigenous women and girls in prostitution became a public concern. Growing out of this initial campaign, the Taipei Women's Rescue Foundation was founded with the goal of eliminating trafficking of women and child prostitution. The early campaign against prostitution helped to legitimise the creation of other women's organisations, as well, which eventually led to the development of a fully fledged women's movement in Taiwan.

Legal efforts against prostitution

In the legal efforts against prostitution, since the late 1980s Taiwanese women's organisations have demanded reform of the patriarchal 1930 Family Law, which until the mid-1990s entirely denied women equal rights in marriage. Feminist scholarship has extensively documented the particular ways in which marriage in Taiwan has served as a patriarchal institution that treats women as 'household servants' (jia nu) and shapes women's domesticity (see, for example, Liu, 1995). Until the last decade, the Family Law gave husbands greater rights to property and to child custody than wives. In addition, regular payments of alimony to divorced women were not enforced by the legal system. Even today, women's inferior status in marriage is such that many women soon fall into poverty after divorce. Chang and Wu (2005) cite that the ratio of single mothers who become heads of households and fall into poverty is three times that of single fathers, which partly explains the feminisation of poverty. Some women have reported how they managed to get a divorce, then, finding themselves in poverty, had to turn to prostitution for survival (Hong and Tsai, 1998).

Women in the labour force

The right to work has been one of the oldest issues taken up by the women's movement in Taiwan. Women's labour-force participation has stayed at a level between 45% and 46% in the past
two decades in Taiwan. Women’s low rate of participation in the labour market stems in a large part from the lack of a good childcare system. According to government statistics, 4,651,000 women did not enter the labour market in 2001 because they had to do housework and childcare (DGBAS, 2002). Yet the majority of those women had at one time been in the job market. The top two reasons they gave for leaving the workplace were childcare responsibilities and marriage (Chen, 2000).

It is well documented that Taiwanese women have suffered from gendered exclusions within the labour market for many decades. Chin-fen Chang (1995), for example, argues that women are excluded from many jobs by the ‘men-only’ recruitment policy. In addition they are forced to tolerate sexual harassment, unequal pay for equal work, and unequal opportunities in obtaining job training and promotion. According to government statistics, in the year 2000, women’s average salary only reached 74% of men’s, and women occupied only 15% of managerial positions (DGBAS, 2003).

Women’s legal and social status, however, has greatly changed since the late 1990s. The tragic rape and murder in 1996 of feminist activist and politician Peng Wan-ru, who devoted herself to promoting women's participation in politics, dramatically accelerated the course of the women’s movement. Her death raised public awareness of all kinds of violence against women. Politicians perceived the impending political risks of failing to take serious measures to protect women from violence. Thus, soon after her death, a body of gendered legislation was removed and gender-equal legislation was passed. Several amendments to the Family Law, for instance, were passed to guarantee women equal rights in marriage. The Anti-Domestic Violence Law was enacted in 1998, and the articles in criminal law, where rape was considered as violating ‘virtuous custom’ rather than women’s sexual autonomy, were replaced by feminist-backed sexual offence articles in 1999. Moreover, the Gender Equality Labour Law was enacted in 2002 to protect women’s equal rights in employment. In a more direct move to confront gender inequality, in 1997 the central government set up the Commission on Women’s Rights Promotion, composed of local women’s organisations and all related governmental branches dealing with women’s policies. However, it is a consulting commission on women’s policies, rather than a decision-making body with real power.
A sketch of commercial sex in Taiwan

Much historical research traces the current Taiwanese sex industry back to the Japanese colonial era (for example, Lin, 1995; Huang, 1999). During the colonial period (1896–1945), Taiwan had a licensed, dual prostitution system divided by race, with one sector serving the Japanese colonists, the other the Taiwanese. Both sectors were further divided into hierarchies by types of service and the social class of clients. The purpose of licensed prostitution was to make ‘safe sex’ – in terms of disease transmission and social control – available to both Japanese colonisers and local Taiwanese men.

After the Second World War, policing prostitution became an issue for the Chinese Nationalist government of Taiwan, which officially took control of the island under Chiang Kai-Shek in 1945. In that year, the nationalist government prohibited prostitution in order to correct the ‘improper social atmosphere’ that had been brought about by Japanese colonists (Lin, 1997, p 11). Nonetheless, many cafés and bars were set up to cater underground to the undiminished demand for commercial sex. The prevailing attitude was that the sexual urges of the young Nationalist soldiers from mainland China should be satisfied; they were not allowed to get married, in order to show the government’s determination to counterattack mainland China. Set up by the Nationalist government in 1945, the Taiwan provincial government, which ruled until 1997, passed laws to legalise special bars, which in reality were licensed brothels. The government failed to regulate these special bars, resulting in a serious sexually transmitted disease (STD) problem (Huang, 1999). In 1956, the government reacted by passing the Act of Management of Prostitution in Taiwan Province to control unruly commercial sex and STDs. According to the Act, local governments were able to issue licences to brothels and prostitutes, and prostitutes were subject to regular medical check-ups. However, it did not diminish the activities of new sex-oriented entertainment establishments. Hence, in 1962, the Regulation of Management of Special Businesses was passed to legalise the existence of four different kinds of businesses – dance halls, bars, special tearooms, and special coffee shops – and to allow the hiring of women for chatting, drinking, singing and dancing with clients. These women by law were not allowed to be involved in commercial sex or to participate in ‘obscene behaviour’. Nonetheless, such behaviour permeated these sexual establishments. The decriminalisation of these special businesses turned Taiwan into a sexual haven for Japanese and Western tourists.
as well as American soldiers during the 1960s and 1970s. The saying was: 'Go shopping in Hong Kong, gambling in Macau, and whoring in Taiwan'. Moreover, the official tour guides of the Taiwan Tourism Bureau went so far as to suggest that tourists take a sex tour to Bei-tour, Taipei (Jiang, 1987, quoted in Du, 1998, p 45; my translation). Prostitution therefore came to be justified not only in terms of male sexual urges but also as a means of serving the state's interests in winning foreign exchange through sex tourism.

Sex tourism was tolerated until it was named and shamed in the 1960s. *Time* magazine in December 1967 reported on the sex tourism in Bei-tour and published a picture showing an American soldier bathing with two nude Taiwanese prostitutes (cited in Peng, 2004, p 51), after which, in a show of determination, the government abolished those special businesses in Bei-tour. It also stopped issuing licences to set up 'special businesses' in the 1970s. Many sexual establishments once again went underground. In seeming contradiction to the freeze on licences for existing special businesses, the government attempted to manage sexual establishments more adequately by amending the Regulation of Management of Special Businesses and legalising four more types of special businesses (massage parlours, karaoke singing halls, barber salons, and saunas). The special businesses now numbered eight and were known as the *ba da hang yeh* (literally, eight special businesses) (Liu, 1997, p 18).

The licensed prostitution that was legalised in 1956 and the 'special businesses' have constituted the two major sex sectors of the Taiwanese sex industry in the past four decades. The former is commonly known as 'body-selling' (*mai shen*) and the latter as 'pleasure-selling' (*mai xiao*). Commercial sex in the 'body-selling' sector involves providing explicit sex to clients, and relations between clients and workers are more commercialised than in the 'pleasure-selling' sector, where there is a whole range of more personalised services and relations catering to clients' diverse demands. As Hwang's (1996) research has shown, Taiwanese sex workers in the 'pleasure-selling' sector have to play a series of female roles ranging from waitress and entertainer to prostitute. The two sectors also differ from each other in terms of legal status. Women in the 'body-selling' sector, which includes streetwalking and illegal brothel work, usually suffer from police harassment since their work is directly targeted by the prostitution laws, while the 'pleasure-selling' sector is much more tolerated in the name of urban hedonism.
Debates on prostitution

Although women’s organisations work enthusiastically against prostitution especially in the area of eradicating child prostitution, the majority of Taiwanese turn a blind eye to the sex industry as long as it is not too visible and does not involve trafficking in women. Hence, policing prostitution hardly constituted an important social issue until late 1997, when licensed prostitution in Taipei was abolished. The issue divided feminists and women’s organisations into two camps: one demanding abolition and the other campaigning for the decriminalisation of commercial sex. Although policing prostitution has been the focus of the debate, there are several layers of conflicts between these two camps. They have, for instance, disagreed over whether prostitution is an issue of gender oppression or sexual oppression, whether doing commercial sex is nothing but sex or a kind of work, whether prostitutes come into this job by ‘force’ or ‘free choice’, and whether the third parties involved are sexual exploiters or neutral business organisers.

In the abolition camp, the major figures are Liu Yu-xiu, Lin Fung-mei and Hwang Shu-ling. Women’s organisations such as ECPAT-Taiwan, the Garden of Hope Foundation, and Taipei Women’s Rescue Foundation also strongly back this position. According to Lin (1998), the abolition camp thinks that sexuality should be located within the gender system as a whole. Prostitution thus is not an issue of whether women should have the right to do sex work, but ‘how the sex industry produces and reproduces sexuality and allocates men and women to different positions in the sex industry’ (Lin, 1998, p 63, my translation). The abolition camp defines prostitution as a gender issue in which men exploit women’s bodies and sexuality, and thus what prostitution provides is considered by abolitionists as sex that men desire. Moreover, following Hwang’s (1996) research and the legacy of eliminating child prostitutes in the 1980s, this camp also has emphasised the link between trafficking and commercial sex. It is claimed that prostitutes are usually controlled (either by drugs or force) by gangsters or organised criminals. Huang (1998) has taken the view that all kinds of commercial sex constitutes violence against women and violates human rights.

In contrast, 128 formerly licensed Taipei prostitutes established the Taipei Licensed Prostitutes’ Self-help Association to demand their ‘right to work’. Two women worker organisations, the Taipei Solidarity Front of Women Workers and Pink Collar, later joined
The social organisation of sex work in Taiwan

the anti-abolition camp, claiming that former licensed brothels were just like ordinary factories and licensed prostitutes like any other workers (Wang and Ku, 1998). Apart from the grass-roots women’s organisations, a few feminist scholars who advocate sexual liberation have also joined the anti-abolition camp. For example, Josephine Ho (1998) has treated the pro- and anti-abolition debates as an antagonism between the politics of ‘good women’ and ‘bad women’. The abolition of licensed prostitution is considered a form of suppression of women who dare to transgress sexual and social taboos. Conceptualising prostitution in terms of labour, Josephine Ho (1998, p 222) offers a justification for sex work in the light of the historical transformation of labour in a capitalist market. She explains how productive and reproductive labour that was once carried out in private is now integrated into the capitalist market through the commodification of labour. Sexual labour was once provided by housewives but has been transferred into the market. Moreover, this historical change, she claims, not only serves the interests of the capitalists, but also functions to liberate women’s labour and diversify women’s lives.

Both camps universalise diverse forms of commercial sex, including the varied relations between sex workers and third parties. The camps are polarised into the anti-abolition view that commercial sex is organised to the satisfaction of all sides and the pro-abolition view that it benefits one party at the expense of others. In short, sex workers are either just like ordinary workers or are seriously exploited by the third parties. However, sex workers’ working conditions vary in how the work is organised and in employee status (Lim, 1998; O’Connell Davidson, 1998). The anti-abolition camp is certainly correct in arguing that it is the gendered prostitution laws that constantly (re)produce the ‘miserable prostitutes’, and the pro-abolition camp is right in wanting to stop sexual exploitation in the sex industry. However, what is missing from this debate, and what should be of great concern for feminists, is a critical questioning of the nature of the labour, the ways in which labour is organised in the market, and how different organisation of sex work shapes diverse working conditions and work experiences among sex workers.
Laws and policies

Existing laws and policies on prostitution

Currently the major regulations regarding prostitution include criminal law, the Social Order Maintenance Act (SOM), and the Act for Prevention of Child and Juvenile Involvement in Commercial Sex (PCJICS). The criminal law does not criminalise prostitutes, but makes pimping, trafficking of women and children, and running and managing brothels felonies (Article 231). However, the SOM criminalises adult prostitutes and people who solicit for prostitution. According to Article 80 of the SOM, 'those who intend to profit by having sex with people, or those who solicit, in public or areas accessible to the public, in order to prostitute or pimp for prostitution should be punished' (my translation). Accordingly, adult prostitutes and people who solicit can be fined up to NT$30,000 or detained for three days. After having been arrested three times in a year, prostitutes can be detained and sent to government-funded shelters for six months to one year. With the legacy of rescuing child prostitutes in the late 1980s, local feminist scholars and women's organisations are very concerned about young girls' involvement in commercial sex and sex-related urban entertainments. The PCJICS was enacted in 1995 to protect children from prostitution. Buying sex from children under 18 is criminalised (Article 22). The Act not only criminalises people who pimp, lure, use, or force children under 18 to become involved in prostitution (Article 23), but also criminalises people who use any kind of media to 'circulate, broadcast, or publish any information which might lure or influence people to perform commercial sex with others' (Article 29, my translation). Moreover, children found to be involved in prostitution are to be sent to government-funded halfway centres within 24 hours of being reported, and kept in those centres for between two months and two years (Article 15).

Operation and analysis of laws and policies

Article 80 of the SOM is infamous for its gendered ideology regarding prostitution; namely, that buying sex is acceptable, while offering sex in exchange for money is forbidden. Therefore, the behaviour of men who constitute the majority of sexual consumers is acceptable, while the sex workers – for the most part women – are criminalised. The gendered legislation reflects the century-old
idea that men have ‘sexual urges’ while women are responsible for their ‘sexual attractions’ (McIntosh, 1978). Indeed, using a prostitute is taken for granted as normal behaviour and widely practised as a rite of passage among young men, constituting part of the hegemonic masculinity of Taiwan (Chen, 2003a).

Criminalising prostitutes while tolerating punters not only serves to consolidate gender hierarchy, it also constantly (re)produces the ‘miserable prostitutes’ of Taiwan. As the literature shows (for example, COSWAS, 1998; SFWW, 1998), this situation makes sex workers suffer from repeated exploitation and oppression by, for example, allowing abusive punters to refuse payment, dubious police tactics of all kinds to arrest prostitutes, and police corruption. The risk of being arrested by undercover police puts many sex workers in a terrifying situation. Nonetheless, the degree to which sex workers take the risk of being harassed or arrested by police varies according to the work setting. In my own research (Chen, 2003b), I have found that bar girls who work in licensed special bars are happy to report that ‘police raids’ are indeed very perfunctory. Conversely, streetwalkers, and sex workers who run their businesses independently or work in illegal brothels or small-scale call-girl services, turn out to be soft targets for police raids. In order to work safely, many independent sex workers have to seek out third parties for protection or move to work in organised sex establishments. Criminalising prostitution therefore puts sex workers in a risky situation in which women have to choose either to work independently without safety, or to work safely without autonomy.

Criminalising prostitution makes the situation even harder for migrant sex workers. Recently, Chinese migrant sex workers either smuggled into Taiwan or brought in through phoney arranged marriages with local men, have become the most vulnerable group to suffer at the hands of traffickers, pimps and corrupt police. The biggest scandal of this kind broke out when many police officers were revealed to have been acting as gangsters kidnapping Chinese migrant sex workers and then demanding huge ransoms from their affiliated sex establishments (Chang and Hwang, 2001). Such events strongly suggest that instead of cutting down on trafficking of women, criminalising prostitution makes sex workers more vulnerable to the police and third-party exploitation, and paves the way for police corruption.

The infamous ‘anti-porn ads’ clause, Article 29 of PCJICS, is intended to prevent children from access to any pornographic materials that might lead them to become involved in commercial
International approaches to prostitution

sex. Nonetheless, it is so strict that posting a message such as 'looking for one-night-stand' on the internet (Tsay, 2002) could be considered a form of soliciting prostitution. Thus, Ho (2002) argues that many police actions cracking down on 'porn ads', far from preventing children's involvement in the sex industry, constitute a concrete barrier for adults to engage in multiple sexual encounters.

Hughes (1999) argues that cyberspace has been one of the hottest sites for the sex industry to organise commercial sex globally. Pressured by NGOs such as ECPAT-Taiwan, the Garden of Hope Foundation, Mennonite Good Shepherd Centre and Taipei Women's Rescue Foundation, local police stations use Article 29 to hunt people who circulate seductive ads on the internet. Police usually focus on soft targets such as independent workers, underage workers and inexperienced or first-time casual workers. Compared with other performance on assignments, the police are extremely efficient and show a good record in dealing with 'anti-porn ads'. According to the Statistics of Justice (SJ, 2003), 178 people were prosecuted under Article 29 in 1998. The number of people prosecuted in 1999 rose to 345. The newest statistics show that 1,344 persons were prosecuted in 2002. However, many cases were dropped due to police abuse in executing the Article or violating the due process of law when enforcing Article 29.1

As abusive execution of these laws is so prevalent, human rights groups and prostitutes' rights groups strongly argue that the common practice of 'fishing' for potential targets by the police indeed violates the due process of law. Above all, the police sometimes instigate the crimes they are assigned to prevent. The accusation is indeed confirmed by my research on young girls in halfway centres. These young girls had been involved in commercial sex in diverse ways; however, they were all recorded as committing internet yuan juh jiau jih² (mutual sex aid). For example, many of the young girls had worked as hostesses in a karaoke bar, but it did not involve commercial sex. Some of the girls were victims of sexual assault, but were recorded as 'performing yuan juh jiau jih' because their abusers had left some money for them. The logic of the police officers was rather straightforward: since both money and sex were involved, it was considered to be commercial sex rather than sexual assault. Nonetheless, it is important to note that Taiwanese criminal law does not recognise children under 16 as sexual subjects who are able to 'consent' to being involved in any sexual relationship. Children under 16, paradoxically, are not qualified to consent to sex but can be arrested for engaging in commercial sex!
Debates on legalisation and decriminalisation, and their relevance

Current prostitution laws are extremely gendered as well as flawed. The anti-abolition camp supports decriminalising prostitution: they propose that sellers, buyers and the third parties should be decriminalised. Commercial sex is thus treated as any other business that should be subjected only to ordinary business regulations in order to de-stigmatise prostitution. On the contrary, the abolition camp welcomes policies and legislation that might function to diminish the sex industry. Adopting the Swedish legislation that makes purchasing or attempting to purchase sexual services a criminal offence punishable by fines or up to six months’ imprisonment is seriously under consideration. For the abolition camp, punishing sex buyers not only serves to diminish the sex industry, but also is likely to undermine the gendered sexuality in which men have relatively unlimited access to women’s bodies and sexuality in the market.

The common ground of both camps is that they also agree that the clause ‘punishing prostitutes’ in the SOM Act is problematic and should be subject to change immediately. Nonetheless, the abolition camp demands to change the clause into ‘punishing punters while tolerating prostitutes’ and tends to criminalise the third parties involved; whereas the decriminalisation camp prefers decriminalising all the parties involved in prostitution (Fan, 2004). The abolition camp wants to reduce the sex industry by punishing punters; it seems unlikely that they will achieve this end. Making punters punishable means that clients have to take a risk to purchase sexual services. Therefore, it is more likely that they will purchase ‘safer’ sexual services in those well-organised sexual establishments that are licensed by the government and have a good connection with the police. In other words, punishing clients simply functions to dash the existence of independent sex workers and small-scale sexual establishments, rather than diminish the sex industry. On the contrary, it is likely that the sex market would come to be monopolised by several big sexual establishments, and sex workers would feel forced to work for them.

It is important to note that these debates regarding the prostitution laws are only among feminists and women’s organisations. The government in fact does not take it seriously yet. After subsidising two research projects (total grant is NT$1,500,000) conducted by Shiah et al (2002) and Lan et al (2002), the government seems to
have laid aside the issue of reforming prostitution policy. The Commission on Women’s Rights Promotion regularly issues White Papers on women’s policies, but its most recently issued Taiwan Women’s Rights Report (FWRP, 2003) deals only with the sexual exploitation of children. It points out that current child prostitution is highly related to runaway children rather than ones trafficked into the sex market. In order to prevent runaway children from turning to prostitution, the report suggests that schools should provide adequate guidance to young students, and the government should offer proper job opportunities for young girls. However, the report does not mention anything about adult prostitutes, nor does it propose any substantial projects to prevent adult women from prostitution or to provide social services to sex workers. Currently, the Collective of Sex Workers and Supporters (composed of former licensed Taipei prostitutes and supporters of sex work) is the only organisation directly engaged in helping adult streetwalkers and former licensed Taipei prostitutes who are unemployed. Prostitution is not only about selling and buying sex. Prostitution should not be reduced to an issue of concern for only a small portion of women. It is indeed linked to some key issues in larger society. Making buyers and sellers punishable is not likely to end the ‘world’s oldest profession’. Poverty, gender hierarchy and the ways in which masculinity is constructed in society are the major issues we all must confront.

Key issues faced

Reasons for entry into prostitution: making sense of prostitution

Although feminists do not intend to problematise or pathologise (female) prostitutes, the question of ‘why women and girls prostitute’ is always at the centre of prostitution debates. The Western sex work advocates argue that gender inequality in the labour market makes prostitution a reasonable and available choice under very limited material conditions (for example, Lopez-Jones, 1988; Lim, 1998). This perspective is also adopted by the International Labour Organisation-backed report, The sex sector (Lim, 1998), which focuses on prostitution in four South-East Asian countries: Indonesia, Malaysia, the Philippines and Thailand. The report sees the sex industry as part of the labour market and as constituting a huge economic sector in contemporary states. Moreover, women’s inferior economic situation is linked to the gendered nature of the
labour market. Jones et al (1998, p 35) suggest that the low wages of the Indonesian labour market provide the incentive for female workers to become sex actors and earn instant money. Taiwanese feminist scholars in both camps report that Taiwanese prostitutes mostly come from working-class and low educational backgrounds (for example, Hwang, 1996, p 124; Ji, 1998). Many of the grief stories of former Taipei licensed prostitutes also show that 'sacrificing a girl or woman to rescue a family' is sometimes the only way for a working-class family to survive (Wang and Wang, 2000, p 80; Huang and Huang, 2000, p 93). Contesting the stigma that prostitutes are greedy, lazy and prefer to earn 'easy money' (underage girls in particular), my research (Chen, 2003b) points out that the ways in which women and girls get into prostitution are far from straightforward but instead are full of twists and turns. Almost every interviewee had worked as a low-paid, low-status factory woman or drifted among the lowest service occupations, such as cleaner, hairdresser, or waitress, for many years until they could not survive on their inadequate pay cheques. Thus, to some extent, it is the labour market that constantly produces the reserve sex labour-force for the Taiwanese sex industry.

Moreover, the underdeveloped social welfare system in Taiwan plays an important role. Writing on child prostitution, Adams et al (1997) and Pitts (1997) stressed that a lack of social benefits, independent housing and income and the criminalisation of prostitutes made British child prostitutes more vulnerable to the abuse of police and pimps. Although the British social welfare system is under attack, it is identified as an important mechanism in dealing with child prostitution. However, the language of social welfare is very much a Western concept. Apart from taking in underage girls in halfway centres and schools, Taiwan's social welfare system does not offer proper services to these girls. Unmarried teenage mothers in fact reported that they failed to get adequate support from the social welfare system, and thus some of them had to turn to prostitution for survival (Chen, 2003b).

In the name of filial piety

Prostitution is caused in Taiwan not only because of economic hardships, but also because of the cultural beliefs in which women are expected to be both good daughters and good mothers. Gates (1987) used the term 'double hierarchy' to refer to the dual disadvantages of girls and women in Chinese society that stem from
International approaches to prostitution

these two values of goodness. Children should absolutely obey the paternal authority. Moreover, girls suffer from the prevalent gender hierarchy within Chinese society at large. Indeed, the cultural practices of *nan nev yeou bie* (men and women are different) and *nan tzuen nev bei* (men are superior and women inferior) sum up the gender division and gender hierarchy in Taiwanese society.

It is very important to differentiate between daughters who are dutiful by choice from those who are coerced into being filial by duty. In the name of ‘the principle of filial piety’, a former licensed prostitute named Sue-lian said that her mother contracted her out in order to support the family. Sue-lian had become the major breadwinner of her family of origin. However, it brought her more and more economic burdens rather than honour, respect or authority. She reported:

> My mum is extremely *jong nan ching neu* [i.e. privileges boys and condemns girls] … She sold me to the brothel. She gave money to my elder brother to run small businesses. But his businesses always failed and ended up with huge debts. I paid for his and my sister’s wedding. I paid for my father’s funeral, and the betterment of our house. I almost paid for everything, but I didn’t complain about it. (Sue-lian, 41, trafficked for 10 years, and 18 years as a licensed prostitute, in Chen, 2003b, p 181)

Sue-lian’s narrative is not extraordinary. In Hwang’s (1996, p 125) research, among 41 women (involved in commercial sex during their teens), 12 were sold to illegal brothels by their families when they were teenage girls. The cultural practice of *jong nan ching neu* not only makes women’s ‘sacrifices’ possible, it also creates an asymmetrical political and economic worth among daughters and sons. Many studies (for example, Boonchalaki and Guest, 1998; Watenabe, 1998) have pointed out that South-East Asian prostitutes send back money from urban to rural areas, thereby creating a flow of money, but they seldom inform us of the ways in which this money is distributed in these rural households. Sue-lian’s narratives showed that the way money is distributed follows the given gendered cultural practices of *jong nan ching neu*, and in this way serves to consolidate the gender hierarchy in the household. It thus produces a vicious circle; men keep taking and women keep making sacrifices and are subjected to endless exploitation. Working women therefore find it difficult to leave prostitution. Guillaumin (1995, p 181) lists
four different ways in which women's labour is appropriated by men in the household: the appropriation of time, of the products of the body, of sexual obligation and of the physical charge of disabled members as well as the healthy members of the group of the male sex. The ways Sue-lian's sexual labour was appropriated by her family (especially her brothers) identically matches the list. Even though Sue-lian reported that 'I didn't complain about it', we can sense that the relationship between Sue-lian and her family was very complex and should not, nor could be reduced to 'self-sacrifice'.

Conclusions

In this chapter I briefly described the diverse shapes that the Taiwanese sex industry has taken from the late 19th century up to the present time. Concerning sex workers' human rights, I surveyed the ways in which gendered legislation and abusive execution of the law works against women and girls in the sex industry. I argued that the 'miserable prostitutes' are indeed produced by the gendered legislation rather than by any essential quality of prostitution. I also highlighted the ways in which underage girls are severely exploited by third parties and abused by the police because of the strict legislation on anti-child pornography.

Contesting the views that claim that prostitutes mainly come from 'dysfunctional families' or are victims of (sexual) violence, I argued that the path to prostitution, rather than being straightforward, is full of twists and turns. Although the feminist literature shows that working-class women form the majority of the labour force in the sex industry, its itself poverty is not a sufficient reason for most women and girls to engage in commercial sex. Many sex workers drift between varied low-paid and low-status (service) occupations for a few years before entering the sex industry. Moreover, the ways women and girls become involved in commercial sex are also related to Taiwanese daily cultural practices that privilege men and boys while degrading women and girls.

In terms of reframing prostitution policy in the future, I would suggest that the government should locate prostitution in a more extensive social context, in which class, gender and sexuality are seen to intertwine in the shaping of prostitution. Since gender and class still underpin the modern sex industry, the government should make an effort to improve the employment of women and girls; specifically the government should offer an adequate employment,
educational and social security programme to improve the social status of disadvantaged women and girls (for example, migrants, indigenous people, single mothers). Moreover, the government should pay attention to the flaws of the strict anti-child pornography Act (the PCJICS), and immediately take the actions necessary to decriminalise commercial sex.

Notes
1 There were only 60 and 165 persons judged have to committed the crime in 1998 and 1999 respectively. However, there were 1,116 persons who committed the crime in 2002. It seems the courts have tended to tighten up the ‘anti-porn ads’ clause. See www.moj.gov.tw/lf7_frame.htm

2 The term ‘yuan juh jiau jih’ originally came from Japan. Literally it means mutual sex aid between two individuals. In Taiwan, it is mainly considered as commercial sex of another kind. ‘Internet yuan juh jiau jih’ refers to commercial sex that is organised through the internet.

Recommended further reading

References
International approaches to prostitution


International approaches to prostitution


