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The Whore, the Hostess, and the Honey: Policing, Health, Business and the Regulation of Prostitution in China

By

Margaret Leith Boittin

A dissertation submitted in partial satisfaction of the

requirements for the degree of

Doctor of Philosophy

in

Political Science

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Kevin O'Brien, Co-Chair
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Professor Robert J. MacCoun
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Summer 2015

The Whore, the Hostess, and the Honey:
Policing, Health, Business and the Regulation of Prostitution in China

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by Margaret Leith Boittin

Abstract

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Margaret Leith Boittin

Doctor of Philosophy in Political Science

University of California, Berkeley

Professor Kevin O'Brien, Co-Chair
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Despite being illegal, prostitution is rampant in China today. Millions of women work in the sex industry, responding to high demand from the male population. Sex workers and clients span all social classes, from poor migrants to college students and elite officials. The phenomenon is ubiquitous throughout rural and urban areas. In acknowledging the disconnect between the legal status of prostitution and its prevalence, thoughtful experts on China generally assume that the state turns a blind eye to prostitution. They note the economic advantages of a vibrant sex industry, and underscore the extent to which individual officials and local agencies actually participate in the business of prostitution. These observers are correct to note the financial benefits of prostitution to the Chinese economy. Yet they fail in assuming state complacency vis-à-vis prostitution. Instead, my research uncovers the existence of an active and complex regulatory dynamic both between, and amongst, various Chinese authorities and actors within the sex industry.

In this study of state control of the market for sex in China, I uncover the state's three approaches to prostitution: law enforcement, public health, and as a source of economic development. This detailed depiction of the state's multifaceted regulatory interventions into the sex industry highlights the question of how these frequently conflicting policies coexist in practice. More specifically, how does the state simultaneously uphold policing policies that lead sex workers to shy away from the state and hide their involvement in prostitution for fear of arrest, and health policies that, to work effectively, require sex workers to openly disclose to state actors that they sell sex? How does it reconcile commercial policies whose goal is to allow the state to benefit from a thriving sex industry, with law enforcement regulations aimed at abolishing prostitution? Through an observation of actual enforcement patterns, I show that the answer to these questions varies based on tier of prostitution, and whether the state is targeting the low-tier ("whores"), middle-tier ("hostesses"), or elite ("honeys") parts of the sex industry.

By uncovering these tier-based enforcement patterns, I find that the Chinese authorities are not actually implementing policies to best achieve their stated goals surrounding

prostitution: reducing both its occurrence, and the prevalence of HIV/AIDS. Instead, they make enforcement decisions around prostitution that prioritize both economic growth and social stability—the cornerstones of the Chinese Communist Party's strategy for maintaining power. They prioritize economic growth by taxing the entertainment venues that harbor prostitution activities, and the women who work in them. They also refrain from aggressive policing of those venues, instead channeling their law enforcement efforts towards the lowest class of sex workers, who contribute minimally to the overall economy of the sex industry. They prioritize social stability by allowing for the existence of a thriving sex industry, rather than aggressively enforcing anti-prostitution laws in ways that would significantly reduce the availability of sex for purchase. They further address public order concerns tied to prostitution by funneling it off of the streets and into venues, where it becomes less visible. This strategy also facilitates the control of prostitution's negative externalities, which the police can efficiently access and control when prostitution occurs in one space surrounded by numerous third parties who can report violence and other issues. The decision to prioritize economic growth and social stability comes at the expense of effectively carrying out the state's official policing and public health goals around prostitution.

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When I was growing up, my father would often inquire about our school day by asking us: “Avez-vous progressé sur la voie du savoir et de la sagesse aujourd’hui?” which translates as: “Have you progressed on the way to knowledge and wisdom today?” If I have done so over the years, it is because of my parents, Jean-François and Sarah Leith Paulu Boittin. They instilled within me a deep love of learning, and provided me with innumerable opportunities over the years that opened the doors and gave me the skills to carry out this project. Whenever I asked, they carefully looked over and improved my work. My mother has read and edited this entire dissertation, as well as most of the rest of my writing over the years. My biggest debt of gratitude goes to them, to whom I dedicate this dissertation.

Chapter One: Introduction

One day in the Fall of 2009, I was standing in the central square of a red light district in the city of Shenzhen, in southern China. I had spent most of the previous two years in such neighborhoods throughout the country, conducting ethnographic, survey and experimental research on the regulation of prostitution in China. About two hundred sex workers were milling around in the square. It was late afternoon, and the women were streaming into the neighborhood on their way to work in the karaoke bars and hair salons lining the square. Before disappearing into these venues, they were catching up with friends as they snacked on grilled corn on the cob, meat skewers, and vegetable stew from the hawkers who had just set up shop for the evening.

The neighborhood family planning bureau, one of the government institutions that carry out health outreach amongst sex workers, was also present in the square. The agency was providing me and my three research assistants with support as we distributed condoms and safe sex pamphlets to women in the neighborhood, in order to become a familiar presence in the hopes of later recruiting participants for a survey. We had set up a table, and women were flocking towards us, eager for some of the American condoms we were distributing. Sex workers in China frequently complain about the quality of domestically manufactured condoms, and prefer more expensive foreign ones. Our condoms were particularly attractive because they came in novel round, colorful packaging.[1]

All of a sudden, the sex workers simultaneously rushed from one side of the square into the alleyways jutting off of the other side, and disappeared from view. I looked around the now almost desolate neighborhood and saw a van driving slowly around the square. Men inside the van were extending their arms from the sliding door, and pulling in any of the stragglers who had not managed to escape. When the van came up to me, one of the men, who was evidently surprised by the presence of a young white woman at the scene, hopped out to inquire about me. Only then did I realize that he was an undercover police officer, from the discrete patch on his sweater with the name of the police station that had jurisdiction over the neighborhood. I breathed a sigh of relief—I had been worried that these might be members of the triads (*hei shehui—黑社会*, which literally means "black society") that I had been warned about repeatedly when I told my prostitution contacts in Beijing that I was leaving to do research in the South. When I explained that I was doing public health work with the local family planning bureau, the officer quickly lost interest and drove off with the van full of women.[2]

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[1] These were "One" brand condoms. Sex workers were not the only ones who found these condoms attractive. I had originally stored all them in the office of the neighborhood family planning bureau, but had to take them back to my hotel room because so many of them would disappear overnight.

[2] When we returned a few days later, I spoke with one of the women who had been arrested. In the van, the police explained that they needed to meet their individual monthly targets for sex worker arrests. Upon arrival at the station, they confiscated a pack of cigarettes from her, as well as 300 yuan (43 USD) that she had in her purse. The police processed the arrests, and released the women after holding them overnight.

Over the next two hours, the neighborhood gradually came back to life. Sex workers cautiously returned to the venues, and clients trickled in shortly afterwards. By sundown, it was back to business as usual in the red light district. I had remained in the square the entire time, and I was still processing the police raid when my research assistants and I suddenly found ourselves surrounded by actual triad members. A group of six or seven young men had crowded around us. As the following exchange between one of my research assistants and the group leader demonstrates, they had been sent to intimidate us into leaving, as venue owners were worried about our presence affecting business by deterring clients from coming.

> Group Head: "What are you doing here? In the future, you're not allowed to come here."
>
> My Research Assistant: "We're here to do health education."
>
> Group Head: "Fuck health education."
>
> My Research Assistant: "The local family planning center has endorsed our work."
>
> Group Head: "Fuck the family planning center. Finish your stuff up now. If I ever see you here again, I'm going to cream your table into pulp."[3]
>
> Research Assistant: "We'll leave now."
>
> Group Head: "Fuck you. Get out of here. I'm going to smash all of your stuff into pulp. Don't let me see you here again."

We promptly grabbed our belongings, hailed a cab and left for the night. This was my first and only encounter with the Chinese mob over the course of my research. I was decidedly unimpressed—they looked and acted nothing like the characters in the countless triad movies I had been subjected to while riding buses across China over the years. In fact, I was having a hard time even taking them seriously, and started to wonder whether my fieldwork experiences had distorted my natural inclinations towards caution and risk aversion. Yet my research assistants—young Chinese female undergraduates—were similarly blasé about the interaction, as were the family planning bureau employees to whom we later conveyed the experience. They referred to these hecklers as "youngsters" (*xiao huozi—小伙子*), a term that suggests amusement more than fear.

These events provide a vivid illustration of the regulatory patterns around prostitution that I uncovered in my research. Despite being illegal, prostitution is rampant in China today. Millions of women work in the sex industry, responding to high demand from the male population. Sex workers and clients span all social classes, from poor migrants to college students and elite officials. The phenomenon is ubiquitous

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[3] "下次再让我看见你们砸烂你们的桌子."

throughout rural and urban areas. In acknowledging the disconnect between the legal status of prostitution and its prevalence, thoughtful experts on China generally assume that the state turns a blind eye to prostitution. They note the economic advantages of a vibrant sex industry, and underscore the extent to which individual officials and local agencies actually participate in the business of prostitution. These observers are correct to note the financial benefits of prostitution to the Chinese economy. Yet they fail in assuming state complacency vis-à-vis prostitution. Instead, my research uncovers the existence of an active and complex regulatory dynamic both between, and amongst, various Chinese authorities and actors within the sex industry.

This is a study of state control of the market for sex in China. As it came to life over the course of the eventful six hours in Shenzhen that I described above, I uncover the state's three approaches to prostitution: law enforcement, public health, and, as the triad members gently reminded me, a source of economic development. I also bring to light how sex industry actors experience these interventions. While the scenes described above suggest a fair amount of chaos and disconnect, with different agencies and actors operating in independent bubbles, I uncover class-based enforcement patterns that reveal a method that underlies this appearance of madness. While this method does not result in effective policing or health outreach, these three conflicting types of state intervention—policing, health, and commerce—are able to coexist because they are directed at different tiers of the sex industry.

Types of State Intervention

Law Enforcement

From the perspective of law enforcement, prostitution raises a number of public order and social stability concerns. At the most basic level, its occurrence violates China's anti-prostitution laws. In and of itself, this transgression of the laws does not necessarily present a public order concern. This is particularly the case when prostitution is considered a "victimless crime," in which two consenting adults are freely choosing to exchange sex for material benefits. Some argue that prostitution is inherently exploitative, and that women who think they are making choices as free agents in the sex industry are in fact engaging in false consciousness. Setting these concerns aside, there are issues tied to prostitution that do present more clear-cut threats to public order, in China as in other countries. As a quality of life offense, soliciting raises objections from community members in some neighborhoods. They want to shield their children from it, and also worry about the influx of individuals from outside the community who come to purchase sex. Prostitution is also linked to other crimes. Some women are physically coerced to work in the sex trade. They can be subject to violence at the hands of clients, madams, or pimps.[4] By placing themselves in isolated situations with strangers, they are at heightened risk of violent crimes including robbery, rape, and murder.[5] Clients are also vulnerable to victimhood. In addition, prostitution is linked to organized crime,

[4] Margaret L. Boittin, "New Perspectives from the Oldest Profession: Abuse and the Legal Consciousness of Sex Workers in China," *Law & Society Review* 47, no. 2 (2013): 245–78.
[5] Ibid.

human trafficking, drug use, and drug trafficking. These concerns all point towards the benefits to social order of reducing the incidence of prostitution.

Yet other law enforcement concerns suggest that a robust sex industry can benefit social order. In China, the one-child policy and a traditional preference for sons has resulted in a demographic situation in which the number of marriage-age men will soon exceed the number of marriage-age women by 30 to 40 million, which could result in 20 percent of marriage-age men remaining bachelors. The country is also witnessing vast amounts of rural-to-urban migration, with millions of single men, or men leaving spouses behind, flocking to cities in search of employment. So many young, unsettled and unhappy men present a very real potential threat to the stability of the Chinese state. Readily available sexual services can serve to channel dissatisfaction that might otherwise be directed towards protests and violence. Similarly, a thriving sex industry presents significant employment opportunities that can serve to address social stability concerns in China. In addition to the millions of women who provide sexual services, the industry provides non-sexual service work opportunities in the entertainment industry that has developed around prostitution.

Public Health

The authorities also regulate prostitution as a public health issue. Since 2003, China has publicly recognized the threat that HIV/AIDS presents in the country, and acknowledges the role that prostitution plays in increasing the prevalence of the virus in the population. Sexual transmission has become the primary mode of HIV/AIDS infection in China, and infection rates amongst populations of sex workers are as high as 10 percent in some places. The state pursues a number of different policies in response to these concerns. It monitors rates of HIV/AIDS infection amongst sex workers. It promotes condom use amongst them, and seeks to educate these women on transmission of the virus. It recognizes the importance of voluntary counseling and treatment for HIV/AIDS patients, and provides free antiretroviral (ARV) treatments for them. It mandates that condoms be publicly visible and available for purchase in all entertainment industry venues and hotels. HIV education campaigns also target the general population, in efforts to reach potential clients. Similar efforts extend to monitoring other sexually-transmitted diseases as well, such as syphilis, which also present public health threats in China.

Commerce

In addition to regulating prostitution as it affects public order and health in China, the authorities are actively engaged in tapping into it as an important source of revenue for the state. The law enforcement concerns mentioned above already underscore some of the economic benefits of a vibrant sex industry. Comprehensive data on the economic importance of the sex industry is unavailable. By some accounts, prostitution contributes

from 6 to 12 percent to China's gross domestic product (GDP).[6] An economist found that the country's GDP dropped by one percent with the enactment of regulations in 1999 that placed stricter controls on the entertainment venues that harbor prostitution activities.[7] Commenting on a crackdown on the sex industry in the southern city of Dongguan in February 2014, one local scholar noted how it would "hurt the local economy deeply, especially its service industry and the tax revenue of the local government."[8] Precedent validates this observation. After the government in Zhuhai, on the border with Macau, shut down its red light districts in the late 1990s, Taiwanese and Hong Kong businessmen with factories in the town threatened to redirect their business elsewhere. The local authorities quickly reversed course and allowed the sex industry to return.[9] The economy of Taiyuan, in northern China, reportedly took a plunge following a crackdown that led sex workers to hurriedly leave the town and concurrently withdraw 400 million yuan (US$61 million) in savings from local banks.[10] Others have recounted the occurrence of similar incidents elsewhere.[11] These stories are anecdotal, and the accuracy of the methods and data used to produce the GDP estimates mentioned above cannot be confirmed. Nevertheless, they do serve to provide a general sense of the overall economic importance of the sex industry—an observation that encounters no serious contestation in contemporary China.

State agencies have established a number of different strategies to extract rents from the sex trade, both licit and against the law. The police can fine sex workers, clients, madams, pimps, and owners of businesses found to harbor prostitution, a practice that serves as a legitimate source of revenue for local law enforcement agencies and the local government. Law enforcement agents can also bribe those same individuals, for personal enrichment. In addition, the local government taxes the commercial venues that harbor prostitution, such as karaoke venues, clubs, saunas, massage parlors, and hair salons. They also impose individual income taxes on the hostesses who work in these venues.

Coexistence of Conflicting Policies: Class-Based Enforcement Patterns

By uncovering the existence of these three types of state intervention, the first contribution of my research is to dispel the myth of Chinese state complacency vis-à-vis prostitution. In addition, this detailed depiction of the state's multifaceted regulatory interventions into the sex industry highlights the question of how these frequently conflicting policies coexist in practice. More specifically, how does the state simultaneously uphold policing policies that lead sex workers to shy away from the state

[6] Wei Zhong, "A Close Look at China's Sex Industry," *Lianhe Zaobao*, October 2, 2000; Tiantian Zheng, *Red Lights: The Lives of Sex Workers in Postsocialist China* (Minneapolis: University of Minnesota Press, 2009), 66.
[7] Zhong, "A Close Look at China's Sex Industry."
[8] Huifeng He and Mimi Lau, "'Corrupt' Guangdong Police Were Secretly Tipped Off About Latest High-Profile Raids, Sources Claim," *South China Morning Post*, February 12, 2014.
[9] Interview 175, August 9, 2009.
[10] Daniel Bell, "Sexual Development," *Guardian.co.uk*, January 28, 2007, http://www.guardian.co.uk/commentisfree/2007/jan/28/sexualdevelopment.
[11] Zheng, *Red Lights*, 72.

and hide their involvement in prostitution for fear of arrest, and health policies that, to work effectively, require sex workers to openly disclose to state actors that they sell sex? How does it reconcile commercial policies, whose goal is to allow the state to benefit from a thriving sex industry, with law enforcement regulations aimed at abolishing or deterring and diminishing prostitution? It is not uncommon for multiple approaches to a social problem to coexist. Governments often have competing or contradictory policies and implementation regimes. Yet most studies of the implementation of laws and regulations focus on one law, or one set of regulations. This is a study of how alternative and sometimes competing legal programs interact in practice, how they support each other, and how they undercut each other. The second major contribution of this study is thus to establish how policing, health and commercial interventions coexist in practice. Through an observation of actual enforcement patterns, I find that the answer to this question varies based on tier of prostitution.

The Chinese sex industry takes on three forms. In the lowest tier, "whores" (*jinü*--妓女) solicit on the streets and in brothels. The brothels, which often masquerade (weakly) as hair salons and massage parlors, signal the services they actually provide with red lights glowing in the windows. They also tend to lack sinks, scissors, and other tools generally found in legitimate beauty parlors. Sex is the only service provided in this category of the sex industry. In the middle tier, karaoke bar and club "hostesses" (*sanpei xiaojie*—三陪小姐) drink, dance, and talk with guests. In addition to these legal services, they also sell sex. In the top tier, "honeys" serve as mistresses and second wives (*ernai*—二奶) to businessmen and government officials. Clients in this category provide housing and generous living allowances to these kept women, with whom they may have children. Neighborhoods in some cities have such a concentration of this type of sex worker that they are called "second wife villages" (*ernaicun*—二奶村). For each of these tiers, Chinese authorities make different policing, health, and commercial regulatory choices.

Streetwalkers

In the lowest tier of prostitution, law enforcement officials arrest sex workers for engaging in prostitution, while focusing less on clients. Health workers frequently collaborate with the police to test these incarcerated women for HIV/AIDS. They rarely engage in other kinds of health outreach amongst this tier of women. The authorities generally do not approach this type of prostitution as a source of rents. With sexual transactions costing the equivalent of a few dollars, law enforcement agents cannot generate significant amounts of income through fines. In addition to the small market share of this type of prostitution, which limits the benefits of imposing taxes, local authorities face significant barriers to such practices because low-tier prostitution rarely occurs in registered entertainment venues that also provide legitimate services. Such a commercial decision makes intuitive sense. Yet this policing policy does not reduce the occurrence of prostitution, just as this health approach does little to diminish the incidence of HIV/AIDS amongst low-tier prostitution.

Hostesses

In the middle tier of prostitution, law enforcement agents rarely arrest sex workers or clients in entertainment venues. That said, the local authorities will occasionally shut down entire entertainment districts in advance of important national or international events. Almost all health work occurs in these venues. This stratum of prostitution provides the vast majority of revenue for state authorities. The commercial taxation system of prostitution is structured entirely around this part of the sex industry. These are the venues subject to entertainment taxes, and the women who work there pay special "hostess" taxes on their income. The police require venue owners to pay bribes. When they do impose fines on sex workers and clients, they do so upon following them when they leave venues and go home or rent rooms in neighboring hotels.

Honeys

Elite sex workers are almost completely immune to law enforcement interventions. Their clients, however, are likely targets of policing prostitution policies. In particular, government officials and business elites, when subject to corruption investigations, are invariably also sentenced for violating laws against prostitution. In some cases, their mistresses and second wives even serve as whistleblowers against them. The authorities conduct no health outreach within this tier of prostitution. Neither commercial nor personal income taxes specifically target this tier of prostitution. That said, those cities that have a concentration of elite sex workers in "mistress villages" see significant boosts to the local economy, with respect to the housing market and luxury brand purchases.

Secondary Enforcement Patterns: Actor-Based Variation

While the primary level of variation that I underscore here is class-based, I also highlight the different sex industry actors who are the most frequent targets of these various types of enforcement. Overall, sex workers are the most likely focus of law enforcement. They are less transient than their clients, and also more visible than their pimps. With respect to the type of punishment to which various actors are subject, sex workers are more likely to be incarcerated, while clients and pimps, who are wealthier, are more likely to be fined. Elite prostitution constitutes the major exception to this sex-worker targeted law enforcement pattern. In this tier, clients are the primary target because prostitution then becomes a tool through which to address a larger issue—that of corruption. Health interventions almost exclusively target sex workers. While they indirectly focus on clients through HIV/AIDS education outreach to the general population, no systematic approach exists to track rates of HIV/AIDS amongst clients, or address their sexual behavior. This imbalance is also tied to the greater transience of clients, and relative ease of access to sex workers. Commercial regulation overwhelmingly targets the gatekeepers to the sex industry—the individuals who run the legitimate entertainment venues that harbor prostitution—as well as sex workers who pay taxes as officially registered hostesses in these venues.

Argument

By uncovering these tier-based enforcement patterns, I find that the Chinese authorities are not actually implementing policies to best achieve their stated goals surrounding prostitution: reducing both its occurrence, and the prevalence of HIV/AIDS. Instead, they make enforcement decisions around prostitution that prioritize both economic growth and social stability—the cornerstones of the Chinese Communist Party's strategy for maintaining power. They prioritize economic growth by taxing the entertainment venues that harbor prostitution activities, and the women who work in them. They also refrain from aggressive policing of those venues, instead channeling their law enforcement efforts towards the lowest class of sex workers, who contribute minimally to the overall economy of the sex industry. They prioritize social stability by allowing for the existence of a thriving sex industry, rather than aggressively enforcing anti-prostitution laws in ways that would significantly reduce the availability of sex for purchase. They further address public order concerns tied to prostitution by funneling it off of the streets and into venues, where it becomes less visible. This strategy also facilitates the control of prostitution's negative externalities, which the police can efficiently access and control when prostitution occurs in one space surrounded by numerous third parties who can report violence and other issues. The decision to prioritize economic growth and social stability comes at the expense of effectively carrying out the state's official policing and public health goals around prostitution.

Effective Policing of Prostitution

An effective policing strategy, aimed at reducing the overall occurrence of prostitution, would focus on sex workers and clients in middle tier venues. The bulk of China's sex industry is concentrated there. Instead, the police target low tier women for arrests. In addition, police interactions with the sex industry are not limited to brute force and the abuse of power one might expect between representatives of China's most powerful state agency, and individuals who are amongst the weakest in Chinese society. Instead, law enforcement officers also engage in creating relationships of trust with local sex industry actors, especially within the middle tier. They rely on these relationships to more effectively control overall public order in their neighborhood, solve crimes, and intervene either before crimes occur or to reduce their severity. These policing patterns may appear unremarkable. In many places, law enforcement actors are likely to target sex workers or other individuals based on ease of access, and therefore focus on the lowest class. For example, according to the account that a police officer in San Francisco's North Beach neighborhood shared with me, that city's prostitution enforcement strategy looks very similar to what I observed in China.[12] Prostitution is de facto legalized in the neighborhood strip clubs, and the police mostly turn a blind eye to what occurs in those venues. Instead, they target street prostitution in response to quality of life complaints they receive from neighborhood residents. They specifically target sex workers rather than clients. When they arrest sex workers, word quickly spreads within that community. The amount of visual prostitution in the neighborhood immediately plummets, and johns soon cease to solicit in the area. Arresting clients does not produce

[12] Interview 189, July 11, 2013.

a similar effect. Client networks are weak, so law enforcement cannot rely on information dissemination around police stings to efficiently reduce the demand for prostitution in the neighborhood. Similarly, tradeoffs and prioritizations are central to policing in any environment in which resources are finite. Yet it is precisely this observation—that when it comes to prostitution, the police in China behave just like their democratic counterparts—that constitutes the first major theoretical contribution of this study.

Effective Public Health Outreach

An effective policy aimed to reduce the incidence of HIV/AIDS would target those most at risk of HIV/AIDS: low-tier women. It would also recognize the crucial importance of reaching out to those with the most agency in a prostitution transaction: the clients, who wield much greater power with respect to condom use decisions. In addition, such a program would privilege behavioral changes over forced testing. The latter does have some degree of utility. While it constitutes a gross violation of the individual rights of sex workers, it provides the state with a measure of overall HIV/AIDS prevalence within this at-risk population. The rate may be of questionable accuracy, but it does provide some indication of the extent to which HIV/AIDS poses a public health threat in China. Forced testing does not, however, contribute to reducing rates of HIV/AIDS, which can only occur through behavioral changes. Finally, an effective health policy does not emerge from collaborating with law enforcement agents: behavioral changes that result in safer sex must occur voluntarily, and when a sex worker is arrested and then forcibly tested for HIV/AIDS, as is the case for those Chinese streetwalkers who do come into contact with health agents, she is unlikely to willingly get tested in the future.

Yet Chinese health authorities intervene much more actively amongst middle-tier sex workers, who are more educated, have fewer clients, and have a lower risk of HIV infection than their streetwalker counterparts. They rarely reach out to clients. Instead of focusing their efforts on behavioral changes, they instead privilege forced testing. The public health workers who are responsible for carrying out these policies, like their law enforcement counterparts, are also local street-level bureaucrats seeking the path of least resistance for accessing the sex industry while being mindful of not disrupting social stability or economic growth. Why, then, do they gravitate towards middle class hostesses, when their law enforcement colleagues find it easiest to access the lowest class sex workers? This difference is rooted in the policies that define their interactions with the sex industry.

Health workers in any given locality need access to several hundred sex workers whose blood they can draw for an HIV test, and who will participate in safe sex education programs. It is extremely time consuming for them to recruit streetwalkers for such outreach. They would need to approach each woman individually, prevent her from running away, and either draw her blood and carry out education activities at that moment, or convince her to attend a meeting at a later date. By contrast, accessing women who work in middle class entertainment venues only requires convincing the

pimp or venue owner to grant public health workers access to the women under their supervision. Several dozen to hundreds of women might work in one venue. Once the gatekeeper agrees to cooperate with public health workers, sex worker testing and outreach is straightforward. Sex workers are deferential to their pimps, and will thus follow their instructions to cooperate with health actors who come to the venue.

By contrast, the police do not require sex workers to cooperate when they arrest them. They also aim to access them as efficiently as possible, while sending a strong visual signal that they are reducing the occurrence of prostitution, and limiting any negative effects of their actions on the local economy tied to the sex industry. This combination of concerns explains their focus on low class sex workers. When they sweep streetwalkers off the streets, they create an extremely effective immediate impression of having cracked down on prostitution. If they instead arrested women who work behind the closed doors of middle tier and elite venues, this would leave no visible imprint of their law enforcement actions. Arresting streetwalkers also leaves the business of prostitution virtually untouched, as low tier prostitution contributes to it only minimally. In addition, it protects social stability concerns—by focusing on sex workers rather than clients, the men can solicit elsewhere without fearing a high risk of arrest for purchasing sex.

Authoritarian Obstacles to Public Health Outreach

The law enforcement patterns I discern underscore deep similarities between the enforcement decisions of local Chinese police officers and behavior that policing scholars characterize as "democratic policing." In other words, the question of why Chinese police officers are not enforcing in ways that would efficiently reduce the occurrence of prostitution underscores the extent to which their enforcement behavior transcends political regime type. By contrast, the health patterns I observe—forced testing, and a misplaced focus on middle-class sex workers—are instead very much tied to overall regime type in China. Specifically, China's failure to conduct HIV/AIDS outreach amongst sex workers in a way that would most effectively reduce prevalence of the disease and provide an accurate assessment of infection rates is a function of its authoritarian government. There are two main ways in which authoritarian governments can successfully monitor HIV/AIDS around prostitution. First, they can attempt to completely eliminate the sex industry. This option would not be in China's interest given its concerns with economic development and social stability, nor would it have the capacity to do so over an extended period of time. Second, they can legalize it, as is the case in Singapore. Legal prostitution facilitates health access to sex workers, who no longer need to fear arrest when interacting with state agents. Such a regulatory shift would be fraught with tension in China. As discussed in greater depth in Chapter Two, the country's anti-prostitution policies have deep symbolic and ideological importance, which are intertwined with the core of the PRC's identity.

The third way for authoritarian governments to effectively carry out health outreach with illegal populations requires doing so through civil society. Public health interventions within high-risk populations (such as sex workers, intravenous drug users,

and men who have sex with men) whose behavior is against the law or highly stigmatized is generally understood to be most effective when carried out through peer educators (current or former members of the population) and non-governmental organizations. Such a civil society needs to be sufficiently robust so as to have the technical capacity and skills to carry out HIV/AIDS tests and trainings. It must have the resources to do so on a scale large enough to reach out to a significant proportion of the relevant population. It has to actually be independent of the state, and members of the population have to know that is the case. Such an environment creates a space in which sex workers feel safe and comfortable, and are willing to get tested, seek treatment, and make long-term behavioral changes that can vastly reduce the spread of HIV.

Interesting and surprising bursts of civil society activity around prostitution actually do exist in China. Yet by no means is the community sufficiently robust to meet the needs outlined above. In fact, it is a losing proposition to advocate for the creation of a vibrant civil society to effectively address the issue of HIV/AIDS amongst sex workers in China. A truly independent non-governmental sector presents an inherent threat to the stability of an authoritarian regime. Certainly, China and other authoritarian countries are able to create spaces in which the non-state sector can thrive in ways that serve the goals of regime stability. In theory, the state could instead carve out specific, clearly defined realms where civil society is permitted to operate. Yet there exists significant danger of leakage from one realm to the other. What starts as safe sex outreach with sex workers can quickly turn into rights advocacy and demands for legal and policy change. In order to prevent the occurrence of serious threats to the regime, the CCP needs to set limits and create a climate of uncertainty around what constitutes acceptable societal activism. An effective way of doing this is to constantly shift the boundaries of appropriate behavior, as this leads to self-censorship and a great deal of caution within civil society.[13] As long as Chinese citizens know that civil society is not completely independent, they will rightfully be suspicious of the ability of non-governmental organizations to shield them from unwanted state intervention in their lives. In practice, this means that the Chinese state cannot remain authoritarian while simultaneously providing sufficient freedom to civil society to adequately conduct health outreach amongst sex workers and other illegal populations. The current model of society-led sex worker outreach that the Chinese state has adopted at the behest of international organizations advising them on HIV/AIDS policy fails to properly account for regime type. As a result, health outreach amongst sex workers, either directly through the state or China's quasi-civil society, is not reducing the spread of HIV/AIDS. This situation presents a real threat to public health, with no easy solutions available to effectively address it.

The second major theoretical contribution of this research is thus to underscore how, in contrast to policing patterns, authoritarianism plays a central role in

[13] Rachel E Stern, *Environmental Litigation in China: A Study in Political Ambivalence* (Cambridge, UK; New York: Cambridge University Press, 2013); Rachel E. Stern and Jonathan Hassid, "Amplifying Silence Uncertainty and Control Parables in Contemporary China," *Comparative Political Studies* 45, no. 10 (October 1, 2012): 1230–54; Rachel E. Stern and Kevin J. O'Brien, "Politics at the Boundary: Mixed Signals and the Chinese State," *Modern China* 38, no. 2 (March 1, 2012): 174–98.

understanding the misplaced targeting that occurs with the enforcement of sex worker health policies.

Conceptual Contributions: Veneers of Adherence to the Law, and Trust

The identification of class-based enforcement patterns yields two additional conceptual insights. First, I highlight how state actors demonstrate a veneer of adherence to the law, rather than focusing on its intent. Second, I underscore the importance of trust between sex workers and state actors for achieving certain policing and health goals.

Veneers of Adherence to the Law

Street-level bureaucrats and local government officials need to prioritize economic growth and social stability in the process of enforcing policing, health and commercial policies around prostitution. Such a balancing act takes the practical form of class-based enforcement and segmentation. When they arrest streetwalkers, law enforcement officials can say that they are enforcing anti-prostitution laws. When they test hostesses who work in entertainment venues, health workers can report rates of HIV amongst sex workers. By funneling prostitution into legitimate entertainment venues, the local government can deflect criticism that they are benefiting from prostitution as a source of rents, by claiming to be simply taxing legal businesses. This approach results in a situation in which the state presents a veneer of adherence to the law, rather than a sincere effort to enforce it with regard to its spirit. In all three cases, the state could have adopted another approach. The police could categorically turn a blind eye to prostitution. The state could choose not to carry out any health outreach amongst sex workers. The local government could be upfront about the importance to the economy of a thriving sex industry and its efforts to tap into that source of income. Yet such brazenly open disregard for official policies would come at important political costs. The alternative described in this research represents instead an equilibrium delicately held into place with just enough lip service paid to the letter of the law. It provides an external appearance of adherence to the law that superficially masks a whole host of other activities that fly in the face of those same policies.

These veneers of adherence to the law even manifest themselves visually. One of the most widely publicized recent prostitution crackdowns to occur in China took place in 2006, in a village in Shenzhen called Shazui. The village is infamous for its sex industry, which attracts both locals and men from Hong Kong who go there on weekends. While there is no official explanation for the crackdown, it came a few days after an undercover documentary about the sex industry in Shazui aired on local and national television.[14] The crackdown lasted for weeks, and placed such pressure on the local economy that several thousand sex industry actors ended up organizing a short-lived protest against it. As part of their crackdown efforts, the city government physically cleaned up Shazui. They repaved the streets, and renovated building facades, making the entire area look like a respectable, middle-class neighborhood. Yet a few months later, prostitution crept back

[14] An excerpt of the documentary is available here: http://www.56.com/u19/v_MjQzNTUyNDA.html. Last accessed 01/22/14.

into the village. When I was there in 2009, streetwalkers solicited in the dark alleyways that jutted off of the cleaned-up main thoroughfares. The buildings whose exteriors had been replastered with bright, new stucco continued to house brothels. The local government had physically cleaned up the red light district, but was simply repackaging it from the outside, rather than making it disappear.

Why pay lip service to the law, when so many people both above and beneath it know exactly what is really going on? As a policymaker or street-level bureaucrat in an authoritarian regime, it is much less disruptive to accept the confines of the law as a given, and carve out a path accordingly, than to openly challenge the actual content of the law. Such an approach also facilitates the maintenance of social order. While actors in the sex industry generally understand the circumstances under which they are more or less likely to be targeted by enforcement, the fact that these are informal, covert norms, rather than officially endorsed policies can still serve as a deterrent effect for sex workers, clients and pimps across all tiers of prostitution. In addition, paying lip service to certain policies is still a useful exercise, even when it does not provide the information it claims to be identifying. With respect to health interventions, for example, it provides useful information about middle class sex worker rates of HIV/AIDS. While these rates are deceptively packaged as overall rates of HIV infection, they still offer valuable insight into certain Chinese public health patterns.

Veneers of adherence to the law also serve valuable functions of political theater and symbolic politics.[15] I use the term political theater to refer to "symbol-laden performances whose efficacy lies largely in their power to move specific audiences."[16] The term is often used to understand counter-hegemonic responses to authority—E.P. Thompson characterizes it as "a twisting of the gentry's tail."[17] It can also be used in support of those in power.[18] Yet even in those circumstances it generally refers to actions that societal actors instigate, directed at those in power.[19] Instead, I use it to describe the reverse dynamic of state actors using political theater as a tool to convey messages to society. It is a useful concept for understanding prostitution enforcement patterns in China because it highlights the distinction between creating certain effects, versus telling the truth. Political theater is "performed for social effect…not primarily to convey truths, but to produce effects…[Its] function is to *move* [*sic*], not to inform."[20]

The veneers I observe also represent a flipped version of how others approach the issue of symbolic politics. Wedeen's study of the political cult of Asad in Syria illustrates the perspective from which symbolic politics are generally understood. She finds that the "regime produces compliance through enforced participation in rituals of

[15] Lisa Wedeen, *Ambiguities of Domination: Politics, Rhetoric, and Symbols in Contemporary Syria* (University of Chicago Press, 1999); Joseph W. Esherick and Jeffrey N. Wasserstrom, "Acting Out Democracy: Political Theater in Modern China," *Journal of Asian Studies* 49, no. 4 (November 1990): 835.
[16] Esherick and Wasserstrom, "Acting out Democracy," 839.
[17] E. P. Thompson, "Eighteenth-Century English Society: Class Struggle without Class?," *Social History* 3, no. 2 (May 1, 1978): 159; Esherick and Wasserstrom, "Acting out Democracy," 845.
[18] Esherick and Wasserstrom, "Acting out Democracy," 845–846.
[19] Ibid., 856.
[20] Ibid., 846.

obeisance that are transparently phony both to those who orchestrate them and to those who consume them."[21] The veneers I identify are similar to the phoniness she observes. Yet the focus in her case is on whether or not *societal* actors comply, regardless of their beliefs about compliance. Instead, my focus is specifically on the *state's* spurious behavior vis-à-vis the policies it purports to espouse.

Trust

Veneers of adherence to the law is a first theme to emerge from this identification of class-based enforcement patterns. A second constant that arises from an observation of policing and health enforcement practices is how, in some cases, effective policy implementation requires that sex workers trust the individual state actors with whom they are interacting. In the realm of health, when the state's goal is to achieve long-term behavioral changes (such as consistent condom use, or regular HIV testing), sex workers or other illegal actors must trust the individuals with whom they engage, and who are providing them with the information, tools and interventions that allow for new habit formation. In the realm of policing, law enforcement officers must gain sex workers' trust in order to facilitate the accomplishment of a variety of different goals. These include assistance in preventing and solving high priority crimes that can be intertwined with the sex industry, such as drug trafficking, violent crime, or murder. They also involve cooperating with local police requests to lie low when higher ranked levels of government place targeted pressure on specific localities to temporarily reduce the incidence of prostitution. Coercion works against the effective achievement of these outcomes. When state actors instead seek to gain the trust of sex workers, they enter into individual human relationships of interdependence with them, and it is counterintuitive to observe such dynamics between some of the most powerless and omnipotent individuals in an authoritarian state. The importance of trust is particularly relevant to understanding some of the interactions between the police and middle class sex workers explored in Chapter Six.

Situating the Project

Mine is an interdisciplinary project, whose findings speak to audiences who have an interest in politics and socio-legal studies, contemporary China, and prostitution.

Politics and Sociology of Law

This is a study of the process of policy implementation, its consequences, and limits. As noted earlier, existing studies in this vein tend to examine one law or agency, rather than the interactions between various conflicting regulatory approaches.[22] They often focus their attention on policies and institutions, rather than the people who implement them. One major exception to this is work on street-level bureaucrats, and my findings on the behaviors of police officers and public health employees in red light

[21] Wedeen, *Ambiguities of Domination*, 6.
[22] James Q. Wilson, ed., *The Politics of Regulation* (New York: Basic Books, 1982).

districts are rooted in this tradition.[23] Yet there exists a dearth of research into this area in developing countries.[24] In addition, with some notable exceptions, that work does not closely examine both street-level bureaucrats and the citizens with whom they interact.[25] Furthermore, when it does focus on regulatory targets, these tend to be firms and businesses, rather than individuals.[26]

Methodologically, political ethnography is one of the main approaches I use to understand this area of policy implementation. By political ethnography, I mean "close, person-to-person contact that is attuned to the worldviews of the people [I] study," and "immersion in a community…or a cluster of related subject positions."[27] Political science underappreciates this research method.[28] Yet it serves as an important corrective to "public policy analysis [that] too often is narrated in a top-down discourse that fails to account for how people affected by policy experience it."[29] No other method could have led to the theoretical and descriptive findings contained in these pages. To the extent that they might constitute valuable contributions, they serve to illustrate the importance of fully endorsing ethnography as a method central to the study of politics.

With specific reference to police officers as street-level bureaucrats, my research underscores the universality of policing theories previously understood as rooted in democratic regimes.[30] Policing research suffers from a dearth of such comparative approaches, and my findings confirm the value of carrying them out.[31] By highlighting the ways in which the police actually think about anti-prostitution regulations, I also address a recognized need for more research into the attitudes of law enforcement agents towards the laws they are asked to enforce.[32]

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[23] Michael Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services* (New York, NY: Russell Sage Foundation, 1980).
[24] Robert A. Kagan, "Regulators and Regulatory Processes," in *The Blackwell Companion to Law and Society*, ed. Austin Sarat (Oxford, UK: Blackwell Publishing Ltd, 2004).
[25] Amy E. Lerman, *The Modern Prison Paradox: Politics, Punishment, and Social Community* (Cambridge: Cambridge University Press, 2013).
[26] Eugene Bardach and Robert A. Kagan, *Going by the Book: The Problem of Regulatory Unreasonableness* (New Brunswick: Transaction Publishers, 2002); Christine Parker and Vibeke Lehmann Nielsen, eds., *Explaining Compliance: Business Responses to Regulation* (Cheltenham; Northampton, MA: Edward Elgar, 2011); Neil Gunningham, Robert A. Kagan, and Dorothy Thornton, *Shades of Green: Business, Regulation, and Environment* (Stanford, CA: Stanford University Press, 2003).
[27] Edward Schatz, ed., *Political Ethnography: What Immersion Contributes to the Study of Power* (Chicago; London: The University of Chicago Press, 2009), 4–5.
[28] Schatz, *Political Ethnography*.
[29] Corey Shdaimah, Roland Stahl, and Sanford F. Schram, "When You Can See the Sky through Your Roof: Analysis from the Bottom Up," in *Political Ethnography: What Immersion Contributes to the Study of Power*, ed. Edward Schatz (Chicago; London: The University of Chicago Press, 2009), 255.
[30] Jerome Skolnick, *Justice Without Trial: Law Enforcement in Democratic Society* (New York: Wiley, 1966).
[31] Jeannine Bell, "The Police and Policing," in *The Blackwell Companion to Law and Society*, ed. Austin Sarat (Oxford, UK: Blackwell Publishing Ltd, 2004).
[32] Ibid.

Although this is by and large a study of domestic politics, those interested in transnational processes will find them at play here, amongst an unexpected subset of the population. Previous research on international influence within civil society focuses on transnational ideas and practices diffused and transmitted to individuals in the receiving country who are elites. The concepts adopted to describe them, such as "rooted cosmopolitans" or "translators" refer to highly educated individuals who may have spent time abroad.[33] I observe instead that poor, uneducated sex workers from rural China have internalized the language, ideas, and practices of the global sex worker rights movement. This is not a case in which foreign funding and rhetoric are shaping the agenda of domestic civil society, to the detriment of the actual needs of a community.[34] Instead, it is about the universality of certain aspects of being a sex worker, and the empowerment that occurs when a marginalized individual who feels isolated in her lived experiences becomes empowered through contact with a larger network of peers. These interactions provide her with concepts and language that validate her actions and feelings, and enable her to realize that she is part of a vast community of individuals who can relate to her.

With specific reference to my examination of how these women experience the state's interventions into their lives, my findings advance research on legal consciousness. Where others have found that the law plays a peripheral role in the lives of powerless individuals, I find it to be central to the ways in which Chinese sex workers respond to some of the injustices to which they are subject.[35] This observation underscores the importance of considering how individuals may relate differently to the law depending upon the characteristics of their marginalization. A lawbreaker, or a person who engages in morally questionable behavior, may experience marginalization in a manner distinct from an upstanding citizen. Powerlessness tied to verbal or emotional abuse may affect an individual differently from extreme physical harm. Marginalization may also vary based on the environments in which it is experienced, such as different political regimes.[36]

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[33] Sidney G. Tarrow, *The New Transnational Activism* (New York: Cambridge University Press, 2005); Sally Engle Merry and Rachel E. Stern, "The Female Inheritance Movement in Hong Kong: Theorizing the Local/Global Interface," *Current Anthropology* 46, no. 3 (2005): 387–409; Rachel Stern, "Unpacking Adaptation: The Female Inheritance Movement in Hong Kong," *Mobilization: An International Quarterly* 10, no. 3 (October 1, 2005): 421–39; Eli Friedman, "External Pressure and Local Mobilization: Transnational Activism and The Emergence of the Chinese Labor Movement," *Mobilization: An International Quarterly* 14, no. 2 (2009): 199–218.

[34] Anthony J. Spires, "Organizational Homophily in International Grantmaking: US-Based Foundations and Their Grantees in China," *Journal of Civil Society* 7, no. 3 (2011): 305–31; Anthony J. Spires, "Lessons from Abroad: Foreign Influences on China's Emerging Civil Society," *The China Journal*, no. 68 (2012): 125–46.

[35] Laura Beth Nielsen, *License to Harass: Law, Hierarchy, and Offensive Public Speech* (Princeton University Press, 2004); Patricia Ewick and Susan S. Silbey, *The Common Place of Law: Stories From Everyday Life* (Chicago: University of Chicago Press, 1998).

[36] Boittin, "New Perspectives from the Oldest Profession."

China

Those interested in regulation and policy implementation in China will find that these pages contribute a political ethnographic approach, focused on neighborhoods and individuals, to questions that are more often explored at higher levels of inquiry.[37] Mertha, in his studies of intellectual property and water politics, paints a remarkably thorough and comprehensive picture of the entire bureaucratic and administrative apparatus connected to these two issue areas.[38] In *The Politics of Piracy*, he starts at the level of US-China bilateral trade discussions, and continues down, mainly to the provinces.[39] I focus instead on how agencies interact on the streets and in the trenches, all the way into the bedrooms of sex workers. Others have explored questions of either economic or social regulation in China.[40] I explore an issue that presents both economic and social regulatory challenges, and tease out how the state balances competing priorities in those two realms.

This research also builds on earlier studies of gender and class in China. In particular, Hanser's ethnography of three tiers of retail businesses in China provides a parallel with respect to a different type of service work.[41] The three market sites I study, like hers, are identified in turn with "the new urban rich, the working 'masses," and rural people and the less respectable segments of urban society."[42] The dynamics between tiers also parallel each other. Just as Hanser underscores how "these three settings were in no way discrete and separate cases," and that individuals working in them "were acutely aware of one another," I found that sex workers displayed a keen sense of their status in relation to women working in other sectors of the sex industry.[43]

Research on policing in the PRC is limited. It includes studies of detention, hard strike campaigns, protests, and prisons, which overwhelmingly use archival and secondary source materials.[44] Only a handful of studies focus on contemporary

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[37] Schatz, *Political Ethnography*.

[38] Andrew C. Mertha, *The Politics of Piracy: Intellectual Property in Contemporary China* (Ithaca: Cornell University Press, 2005); Andrew C. Mertha, *China's Water Warriors: Citizen Action and Policy Change* (Ithaca: Cornell University Press, 2008).

[39] Mertha, *The Politics of Piracy*, 33.

[40] Roselyn Hsueh, *China's Regulatory State: A New Strategy for Globalization* (Ithaca: Cornell University Press, 2011); Tyrene White, *China's Longest Campaign: Birth Planning in the People's Republic, 1949-2005* (Ithaca: Cornell University Press, 2006).

[41] Amy Hanser, *Service Encounters: Class, Gender, and the Market for Social Distinction in Urban China* (Stanford, CA: Stanford University Press, 2008).

[42] Ibid., 23.

[43] Ibid., 18.

[44] Sarah Biddulph, *Legal Reform and Administrative Detention Powers in China* (Cambridge, UK: Cambridge University Press, 2007); Susan Trevaskes, *Policing Serious Crime in China: From "Strike Hard" to "Kill Fewer"* (London: Routledge, 2010); Kam C. Wong, *Chinese Policing: History and Reform* (New York: Peter Lang, 2009); Michael Dutton, *Policing Chinese Politics: A History* (Durham: Duke University Press, 2005); Harold Tanner, *Strike Hard!: Anti-Crime Campaigns and Chinese Criminal Justice, 1979-1985* (Ithaca: Cornell University, 1999); Murray Tanner, "China Rethinks Unrest," *Washington Quarterly* 27, no. 3 (May 28, 2004): 137–56; Murray Scot Tanner, "State Coercion and the Balance of Awe: The 1983-1986 'Stern Blows' Anti-Crime Campaign," *The China Journal*, no. 44 (July 1,

policing.[45] Empirically, my findings on everyday policing, around the attitudes and behaviors of law enforcement officers, underscore deep similarities with policing in democratic regimes, whereas most other research on the subject focuses on the particularly authoritarian characteristics of public security in China.

Readers who are interested in the politics of health in China will find that the discussion of inter-agency dynamics, which highlights challenges to proper policy enforcement that emanate from outside the actual health infrastructure, supplements previous research that has delved more into the inner workings of health agencies.[46] Those who seek to expand their understanding of corruption will see it play out across the spectrum of tiers—from one-on-one, private interactions between a low-level beat cop and a sex worker in his district, to more institutionalized corruption between owners of establishments that harbor prostitution activities and local level bureaucrats, to elite politicians whose downfalls for alleged corruption are intimately tied to their extramarital sex lives. These depictions of corruption in action supplement a previous focus on analyzing the bureaucratic infrastructures created to curb the phenomenon.[47]

Prostitution in China

For those interested substantively in contemporary China's sex industry, my research brings to light the state's three formal policy approaches to the issue, and its actual enforcement choices. My empirical approach to policy implementation builds on the careful documentary and textual analysis of prostitution regulations that others have conducted, and brings health and economic policies to the forefront of a discussion that was previously more focused on understanding the criminal regulation of prostitution.[48]

2000): 93–125; Børge Bakken, ed., *Crime, Punishment, and Policing in China* (Lanham: Rowman & Littlefield, 2005).

[45] Kam C. Wong, *Police Reform in China* (Boca Raton, FL: CRC Press, 2012); Jianhua Xu, "Authoritarian Policing with Chinese Characteristics: A Case Study of Motorcycle Bans in the Pearl River Delta," *Crime, Law and Social Change* 61, no. 4 (2014): 439–60; Yue Xie, "Rising Central Spending on Public Security and the Dilemma Facing Grassroots Officials in China," *Journal of Current Chinese Affairs* 42, no. 2 (2013): 79–109; Zhou Kai and Yan Xiaojun, "The Quest for Stability," *Problems of Post-Communism* 61, no. 3 (May 1, 2014): 3–17. For additional work on contemporary policing, see also Scoggins and O'Brien (forthcoming), and Scoggins (forthcoming).

[46] Katherine A. Mason, "Becoming Modern after SARS. Battling the H1N1 Pandemic and the Politics of Backwardness in China′s Pearl River Delta," *Behemoth* 3, no. 3 (December 2010): 8–35; Katherine A. Mason, "To Your Health! Toasting, Intoxication and Gendered Critique among Banqueting Women," *The China Journal*, no. 69 (January 2013): 108–33; Matthew Kohrman, "Smoking among Doctors: Governmentality, Embodiment, and the Diversion of Blame in Contemporary China," *Medical Anthropology* 27, no. 1 (2008): 9–42.

[47] Xiaobo Lü, *Cadres and Corruption: The Organizational Involution of the Chinese Communist Party* (Stanford, CA: Stanford University Press, 2000); Melanie Manion, *Corruption by Design: Building Clean Government in Mainland China and Hong Kong* (Cambridge, MA: Harvard University Press, 2004); Yan Sun, *Corruption and Market in Contemporary China* (Ithaca: Cornell University Press, 2004); Andrew Hall Wedeman, *Double Paradox: Rapid Growth and Rising Corruption in China* (Ithaca, NY: Cornell University Press, 2012).

[48] Elaine Jeffreys, *China, Sex and Prostitution* (London; New York: RoutledgeCurzon, 2004); Elaine Jeffreys, ed., *Sex and Sexuality in China*, Routledge Studies on China in Transition 26 (London; New York:

Methodologically, my day-to-day observation of the lives of sex workers resembles the approach that several anthropologists have adopted in order to understand various aspects of prostitution in contemporary China. Their studies have examined issues around the cultural politics of AIDS, the demand side of prostitution, the intersection between migration, the entertainment industry, and state power, and the effects that the personal subjectivities of sex workers have on their health decisions.[49] I also build upon a rich literature within public health, which has generated a wealth of both qualitative and quantitative data on sex worker demographics, sexual behavior, and sexually transmitted diseases (STDs) in China.[50] I investigate instead a series of questions rooted within the study of both politics, and the sociology of law.

Substantively, the regulatory questions I ask bear the closest resemblance to those that others have explored historically in China.[51] In Chapter Two, I provide an in-depth discussion of that history. Sommer, in his analysis of Imperial era policies on sexuality, shows how prostitution was regulated based on the status of the individuals involved.[52] Women of debased-status were permitted to provide sexual services, and male commoners could solicit sex from them. Yet both officials and female commoners were forbidden from engaging in prostitution. These distinctions were enshrined within the judicial codes of successive Imperial dynasties until the early eighteenth century, and legal case records provide ample evidence of their enforcement. Official class categorizations of prostitution persisted in Republican times. Police-run brothels in some places clearly identified brothels as low, middle, or high class, where a woman's age and

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Routledge, 2006); Elaine Jeffreys, *Prostitution Scandals in China: Policing, Media and Society* (London; New York: Routledge, 2012); Biddulph, *Legal Reform and Administrative Detention Powers in China*.

[49] Sandra Teresa Hyde, *Eating Spring Rice: The Cultural Politics of AIDS in Southwest China*, 1st ed. (University of California Press, 2007); Elanah Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS" (Columbia University, 2007); Zheng, *Red Lights*; Yeon Jung Yu, "Subjectivity, Hygiene, and STI Prevention: A Normalization Paradox in the Cleanliness Practices of Female Sex Workers in Post-Socialist China," *Medical Anthropology Quarterly* 27, no. 3 (September 1, 2013): 348–67.

[50] Some examples of this work include William C W Wong and Wang Yilin, "A Qualitative Study on HIV Risk Behaviors and Medical Needs of Sex Workers in a China/Myanmar Border Town," *AIDS Patient Care and STDs* 17, no. 8 (August 2003): 417–22; Yan Hong and Xiaoming Li, "Behavioral Studies of Female Sex Workers in China: A Literature Review and Recommendation for Future Research," *AIDS and Behavior* 12, no. 4 (July 2008): 623–36; Susan J. Rogers et al., "Reaching and Identifying the STD/HIV Risk of Sex Workers in Beijing," *AIDS Education and Prevention* 14, no. 3 (June 2002): 217–27; Guomei Xia and Xiushi Yang, "Risky Sexual Behavior among Female Entertainment Workers in China: Implications for HIV/STD Prevention Intervention," *AIDS Education and Prevention: Official Publication of the International Society for AIDS Education* 17, no. 2 (April 2005): 143–56; J T F Lau et al., "A Study on Female Sex Workers in Southern China (Shenzhen): HIV-Related Knowledge, Condom Use and STD History," *AIDS Care* 14, no. 2 (April 2002): 219–33; S. Pan, W. L. Parish, and Y. Huang, "Clients of Female Sex Workers: A Population-Based Survey of China," *Journal of Infectious Diseases* 204, no. suppl 5 (October 31, 2011): S1211–S1217.

[51] Although these studies address commercial and health aspects of prostitution, they place more emphasis on policing, and do not systematically explore the relationships between these different types of state interventions.

[52] Matthew Harvey Sommer, *Sex, Law, and Society in Late Imperial China* (Stanford, CA: Stanford University Press, 2000).

beauty appeared to determine the class to which she was assigned.[53] Similarly, I find that the status of the individuals involved is at the heart of understanding prostitution policies in contemporary China. Yet the tier-based differences in state intervention that I elucidate concern the manner in which policies are enforced. Current prostitution regulations do not formally distinguish between sexual transactions negotiated on the streets for a couple of yuan, and those that occur behind the closed doors of elite entertainment venues for thousands more. Rather, present-day tier-based distinctions are reflected in the actual practice of regulatory enforcement. In Imperial times, the law clearly articulated status differences in prostitution. In fact, the entire purpose of the policies was to maintain barriers between social strata, and restrict certain practices to their proper place. Contemporary prostitution policies are formally concerned with a certain behavior—the exchange of sexual services for money or other material benefit--regardless of the social standing of the individuals involved. It is in the practice of implementation that they reinforce status distinctions. Another difference concerns the state's object of attention at these two times. While historically, prostitution was permitted within the lowest stratum, that is precisely the tier which law enforcement is most likely to target today. Yet an interesting parallel persists. Imperial legal codes held officials who patronized prostitutes to higher standards than commoners. While the latter were permitted to do so, the former risked flogging, and loss of rank and degree.[54] Similarly, cadres of the Chinese Communist Party (CCP) may be dismissed from their position for engaging in prostitution.

Although we examine different time periods, I share the disciplinary perspective of politics that Remick brings to examining the regulation of prostitution during the Republican era.[55] Remick's argument for understanding prostitution as an important political issue in Chinese history underscores the fiscal, bureaucratic and social reform implications of different local government regulatory approaches to the phenomenon. I examine unofficial policies in addition to official ones, and do not focus on local variation. Yet her observation that prostitution, rather than being viewed as a peripheral social issue, is central to understanding the state is equally applicable to contemporary China.[56] One of the challenges to conducting historical research on subalterns is the difficulty of finding sources that detail their experiences with the state. This obstacle leads Remick to emphasize the perspective of the state in her study, while recognizing that a more complete approach would have included an investigation into the effects of regulation on the lives of sex workers.[57] As an empirical researcher focused on contemporary China, I am able to explore both sides of this regulatory relationship.

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[53] Elizabeth J. Remick, "Police-Run Brothels in Republican Kunming," *Modern China* 33, no. 4 (2007): 431.
[54] Sommer, *Sex, Law, and Society in Late Imperial China*, 218–221.
[55] Remick, "Police-Run Brothels in Republican Kunming"; Elizabeth J. Remick, "Prostitution Taxes and Local State Building in Republican China," *Modern China* 29, no. 1 (2003): 38–70; Elizabeth Remick, *Regulating Prostitution in China: Gender and Local Statebuilding, 1900-1937* (Stanford, California: Stanford University Press, 2014).
[56] Remick, *Regulating Prostitution in China*, 2.
[57] Ibid., 20.

Prostitution Beyond China

While much ink is spilled on the subject of prostitution, a more limited subset of writing advances our substantive understanding of the issue in an empirically-grounded manner.[58] For those interested specifically in the regulation of prostitution, my research extends the literature focused on comparative analysis of the content of prostitution policies, to examine enforcement practices.[59] A content analysis of China's prostitution regulations would yield the conclusion that the country has adopted an abolitionist stance towards the phenomenon.[60] Yet this approach obscures the disconnect that may exist between law on the books, and law in action. Bernstein identifies this imbalance in her study of the sex industry in San Francisco and comparisons with Western Europe.[61] She notes that while the policies of criminalization, decriminalization, and legalization are generally understood as radically different, they "actually serve to facilitate similar shifts on the ground…[where] the common focus of state interventions has been on eliminating the visible manifestations of poverty and deviance…from urban spaces, rather than the exchange of sex for money per se."[62] Kotiswaran, in her study of prostitution in India, concurs with Bernstein, and notes that "criminalization on the books often means de facto decriminalization in action."[63] Both authors identify a disconnect between regulatory content and enforcement with a focus on policing practices. I observe a broader array of regulatory realms, and identify the complex struggles between competing health, commercial, and policing priorities occurring on the ground.

The class-based patterns I identify also address Bernstein's concern that "[c]ontemporary analyses of prostitution…often fail to distinguish *between* [sic] markets in sexual labor and the different meanings, practices, and regulatory strategies that each market entails."[64] Bernstein explores this distinction with a focus on perceptions of sex

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[58] Though not exhaustive, work in this vein includes Zheng, *Red Lights*; Prabha Kotiswaran, *Dangerous Sex, Invisible Labor: Sex Work and the Law in India* (Princeton: Princeton University Press, 2011); Samantha Majic, *Sex Work Politics: From Protest to Service Provision* (Philadelphia: University of Pennsylvania Press, 2013); Elizabeth Bernstein, *Temporarily Yours: Intimacy, Authenticity, and the Commerce of Sex* (Chicago: University of Chicago Press, 2007); Patty Kelly, *Lydia's Open Door: Inside Mexico's Most Modern Brothel* (Berkeley: University of California Press, 2008); Raj Arunachalam and Manisha Shah, "Prostitutes and Brides?," *The American Economic Review* 98, no. 2 (May 1, 2008): 516–22; Paul Gertler, Manisha Shah, and Stefano M. Bertozzi, "Risky Business: The Market for Unprotected Commercial Sex," *Journal of Political Economy* 113, no. 3 (June 1, 2005): 518–50; Paul J. Gertler and Manisha Shah, "Sex Work and Infection: What's Law Enforcement Got to Do with It?," *Journal of Law and Economics* 54, no. 4 (November 1, 2011): 811–40; Kimberly Kay Hoang, "Competing Technologies of Embodiment: Pan-Asian Modernity and Third World Dependency in Vietnam's Contemporary Sex Industry," *Gender & Society* 28, no. 4 (2014): 513–36.

[59] Vanessa Munro and Marina Della Giusta, eds., *Demanding Sex: Critical Reflections on the Regulation of Prostitution* (Aldershot, England; Burlington, VT: Ashgate, 2008); Joyce Outshoorn, ed., *The Politics of Prostitution: Women's Movements, Democratic States, and the Globalisation of Sex Commerce* (Cambridge, UK; New York: Cambridge University Press, 2004).

[60] Chapter Three provides an overview of the spectrum of possible prostitution policies.

[61] Bernstein, *Temporarily Yours*.

[62] Ibid., 146–164.

[63] Kotiswaran, *Dangerous Sex, Invisible Labor*, 186.

[64] Bernstein, *Temporarily Yours*, 46.

work as labor amongst the different types of women she studies.[65] She also notes different policing patterns, with an emphasis on eliminating visible street prostitution along with support or toleration for indoor and online prostitution.[66] The centrality of tiers for understanding prostitution in China highlights the shared concerns the issue raises in political systems that vary greatly.[67]

A Note on Sites, Sources and Methodology

Over the course of 21 months in 2008 and 2009, I carried out field research in Beijing, Shenzhen, Guangzhou, Dongguan, Shanghai, Hong Kong, Harbin, Shenyang, Changsha and some smaller cities in Hebei and Hubei provinces.[68] I also carried out shorter research trips in 2005, 2012, and 2014. As is often the case with research in China, I selected these sites because of contacts who could provide me with access there.[69] Such flexibility in choosing sites is particularly necessary when investigating sensitive topics. With respect to the question of geographic variation across these cities, I had originally anticipated that I would structure this project around regional variation of the enforcement of prostitution regulations. Beijing was said to enforce more strictly, and mainland China prostitution experts insisted that as a result, I would actually not be able to get good access there. The southern cities of Dongguan and Shenzhen were understood to be much more lax, yet those same specialists warned me that organized crime networks were so entrenched there that I would encounter too many obstacles. In addition to the satisfaction I experienced of proving these accessibility naysayers wrong, I also became increasingly skeptical of the salience of these purported regulatory differences as I immersed myself in the local political economy of prostitution in different cities. Certainly, prostitution plays a more important role in the overall

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[65] Ibid., 46–52.
[66] Ibid., 164.
[67] In contrast, Kotiswaran specifically notes the apparent absence of such a pattern in her research (Kotiswaran, *Dangerous Sex, Invisible Labor*, 128). That said, she makes this comment in reference to one specific city in India. She does not appear to be making a broader argument against the existence of such patterns, and cites other research that does identify enforcement differences in the country.
[68] In Hong Kong, I interviewed people with experience in prostitution in mainland China. I did not study Hong Kong's sex industry, where prostitution is legal when a sex worker operates independently, without other colleagues, madams or pimps, and where the organization of prostitution remains against the law. I also made forays across the border to Vladivostok, as well as to Moscow and St. Petersburg. I had originally intended to carry out a comparative Russia-China project. Yet I found that I had easier, better and safer access in China, and did not feel that I would be able to conduct a rigorous comparison given the Russian sex industry environment. Crime rates are low in China, and foreigners enjoy a protected status. In Russia, clients, pimps or other organizers of the sex industry would be less likely to hesitate prior to drawing out their ire towards a meddlesome researcher. For example, while accompanying a sex worker organization doing outreach in St. Petersburg, I observed a drunk police officer wield his gun and punch a woman in the stomach for refusing to service him. He then turned his attention towards me and the outreach worker, and we had a tense exchange about me before we scuttled back into our outreach van. In Russia, I would have done less of my research in red light districts, and would have had fewer opportunities to observe the everyday dynamics of prostitution on the streets and in brothels.
[69] Mertha, *The Politics of Piracy*, xiii; Maria Heimer and Stig Thøgersen, eds., *Doing Fieldwork in China* (Honolulu: University of Hawai'i Press, 2006); William Hurst, "Cases, Questions, and Comparison in Research on Contemporary Chinese Politics," in *Contemporary Chinese Politics: New Sources, Methods, and Field Strategies*, ed. Allen Carlson (New York: Cambridge University Press, 2010), 166.

economy of an industrial city such as Dongguan than in larger and more diversified cities such as Shanghai. Yet I was in Beijing during the 2008 Olympics—if ever one would expect a complete shutdown of the sex industry, it would be there and then—and prostitution was alive and well. The sex industry is so prevalent everywhere in China that the interesting story is not about regional variation. Instead, it is about the within-city tensions and class-based divisions around which I ultimately decided to structure my project.[70]

This project is multi-methodological. I combined ethnographic observation of red light districts, public health officials, and the police with over 200 in-depth interviews with sex workers, madams, pimps, clients, police officers, health officials, other central and local government officials, as well as staff at both domestic and international organizations working on issues pertaining to health, prostitution, women's rights, policing, and legal services. I also conducted a survey of 568 sex workers in one red light district in Beijing, and a survey of 88 police officers in one city in southern China.[71] I learned as much about my topic through the process of carrying out the surveys—negotiating access, receiving feedback on the acceptability of various questions, encountering innumerable expected and unanticipated obstacles--as I did from the actual data collected. It is tempting to claim that I was multi-methodological by design. In truth, while I boarded the plane for China in 2008 feeling reasonably comfortable that I would be able to interview some people who were somehow knowledgeable about prostitution, I had no idea that I would be able to sit in brothels talking to sex workers and clients, participate in police ride-alongs, and survey hundreds of sex workers.

I started my fieldwork by making inroads into governmental and non-governmental public health communities that do sex worker outreach. In 2003, the Chinese government publicly recognized the issue of HIV/AIDS, and began to invest significant resources into addressing it. In this context, sex workers were identified as a high-risk group. These developments provided a space for openness around health issues tied to prostitution. In major urban areas, officials working at central and local levels of the Chinese Center for Disease Control and Prevention (CDC) are professionals who interact regularly with foreign researchers--they have sometimes studied public health abroad, and coordinate research projects between the CDC and foreign institutions. They were extremely forthcoming during our conversations, and provided me with rich insight into their work and relationships with other government agencies.

This official openness around HIV also allowed for civil society organizations to emerge around the issue. While only a handful work directly on female prostitution, these groups proved instrumental in providing me with some of my access to sex workers. One such group ran a community center that was located in the heart of a Beijing red light district and provided health and legal services to sex workers, who

[70] I conducted all of my research in urban areas. In rural China, my presence would likely have attracted greater attention from local officials and created complications for fieldwork. Rural areas are of particular interest to the study of prostitution in seeking to understand the relationships that female migrants who become sex workers have to their hometowns in the countryside, a question explored in Zheng, *Red Lights*.
[71] The sex worker survey included a field experiment whose results are presented in a separate article.

would stop by to attend workshops, get condoms, ask for advice, and relax. They granted me access to the center, and I eventually became a familiar figure as I spent my days sitting around, observing interactions between sex workers, and engaging in conversation with them. I connected with similar organizations in a number of other Chinese cities as well, and these relationships opened the doors onto the streets and into the surrounding brothels.

In addition to the assistance I got from civil society organizations, I also cultivated relationships with sex industry actors directly. In one neighborhood in Shenzhen, a contact introduced me to a madam, whom I call Mei Jie, who had been an established member of that sex work community for over a decade. She arranged for my housing in a hotel that catered mainly to sex workers and clients, and I lived there with three research assistants as we explored the feasibility of conducting a survey in the area. Mei Jie took me under her wing. We would stroll around the neighborhood together, and she would introduce me to others in the community. She ran a small brothel out of her three-bedroom apartment, and I would sit in the living room afternoons and evenings, talking with sex workers and clients. In both that and another district in Shenzhen, as described at the beginning of this chapter, the neighborhood government allowed me and my three research assistants to set up a table outside, where we distributed health brochures and condoms in order to develop relationships with members of the sex work community.

Police access was the most unexpected. In one city, I befriended a former police officer who integrated me into his network of law enforcement friends. I very much felt like a rogue researcher during these interactions. His former colleagues did not know that I was doing research. Instead, I was introduced as a foreign friend who was simply curious to learn about China. During these social situations, I pretended that I was not paying attention or understanding, as my friend would pepper them with questions about recent prostitution policing tactics. I ballroom-danced, swam in the Yangtze River, and went river tubing with the police. We also gambled, and sang karaoke together with hostesses in entertainment venues. They eventually allowed me to observe them in action, and accompany them during their patrols.

Figure 1.1.Photograph of Author in a Police Car After Spending Day with Local Law Enforcement Officers

In addition to these experiences, I had a number of opportunities in several other cities to interview current and former law enforcement officials specializing in prostitution, including now-retired individuals who played a key role in the re-emergence of reform through re-education centers for sex workers and clients starting in the 1980s. I was also able to collaborate with a research center that conducts law enforcement officer trainings in order to survey police participants on the issue of prostitution.

Why would any of these individuals provide me with access and insight into their personal and professional lives? I am a visibly foreign woman who stuck out like a sore thumb in all of the environments where I was conducting my research. I was unlikely to benefit my informants in any immediate way, to the disappointment of the sex workers who asked me to help them find jobs in the sex industry abroad. Instead, interacting with me could have created all sorts of problems. Yet people like to talk about themselves and their life choices. This is all the more true when they are rarely asked to do so. In the context of prostitution in China, it also helped that I am so removed from the worlds of my informants. First, I am not Chinese. Second, I do not work in the sex industry, nor am I involved in regulating it. Once my interlocutors (either within the sex industry, governmental or non-governmental sectors) believed that I was indeed a foreign researcher, and not part of a convoluted domestic spying operation, they opened up to me more than they may have to family, friends and colleagues with whom they have repeated interactions throughout their lives. This is particularly the case given the subject-matter: as discussed in Chapter Two, there is a general belief in China that Western society is more sexually open and promiscuous, and most of the people I interacted with assumed that prostitution is legal throughout the Western world.

When talking to the police and government officials, I would frame my interest in prostitution as a comparative question. I would start by praising China as uniquely successful in having successfully reduced the occurrence of prostitution starting in the

1950s. I then noted that I wanted to learn from their experiences in order to improve upon regulatory approaches to prostitution in the United States, which I would characterize as leaving much to be desired. Such a framing generally opened up the floodgates to criticism and honest assessments of the Chinese experience. When talking to sex workers, I was completely transparent about my motivations. I explained that I was writing a dissertation on prostitution in China, and that I wanted to hear about it from the perspective of sex workers, whose voices I felt were underrepresented. Sex workers were extremely forthcoming and generous with their time, and we often appeared to have relationships of mutual curiosity. I occasionally needed to access them through gatekeepers such as madams or pimps, in which case I would mention potential health benefits of my research as I brandished the condoms and safe sex brochures I would distribute to my interviewees. This approach even worked with local government officials in two villages in Shenzhen. I needed their approval to conduct the sex worker survey. While it was chock-full of questions about experiences with and attitudes towards various state policies and actors, I filled the entire first few pages with health questions, and buried the more sensitive materials in the middle of the document. While I fully expected my ruse to fail, in both cases they read the first page carefully, flipped through the rest, and waved us quickly out the door with permission to proceed.

I conducted the interviews for this project in Mandarin Chinese, a language in which I now have an expanded and extremely specialized vocabulary.[72] For some of my interviews with sex workers, one of my research assistants (a young female Chinese university student) accompanied me, and made a written transcript of the conversation. In order to increase respondents' sense of security, I did not audio record any of my interviews. I typed up my notes by the end of each day of meetings. Respondents selected the interview spaces, which included tea houses, coffee shops, homes, restaurants, karaoke bars and brothels.

On a daily basis, my fieldwork was often somewhat disorienting and depressing. At first, I felt quite awkward sitting around in brothels. These tended to be rather dark and musty places. I was sometimes only a thin wall away from a sexual transaction, and would interact with the sex worker and client both immediately prior to and following it. At times, I had to correct assumptions that I was a Russian sex worker. I heard a lot of stories of sadness and physical harm, and also witnessed violence. I found it most unsettling to observe the effects of prostitution on children—both girls selling sex, and the children of sex workers, madams and pimps who lived in brothels with their parents. I struggled with the knowledge that I was using vulnerable informants for my own professional advancement. Like many researchers in China, I was also frequently on high alert with respect to the possibility of attracting the unwanted attention of the authorities. This combination of experiences made for an intense two years of fieldwork.

[72] I spoke English when interviewing foreign informants, such as some of the staff members of various embassies and international organizations.

Organization

The Whore, the Hostess and the Honey is divided into two parts. The first three chapters present the argument and situate the issue. Following this introductory chapter, Chapter Two places prostitution in contemporary China in historical context, and also in relation to current political, economic and social developments in the country. In so doing, it underscores the historical continuities that exist between the class-based regulatory patterns that I observe, and earlier status-based policies. It also highlights how central the issue of prostitution is to understanding modern China. Chapter Three provides a discussion of the key laws, institutions and actors that regulate prostitution in China, and explains where these regulations fit on the spectrum of regulatory possibilities that societies have vis-à-vis prostitution.

Part Two presents the practice of tier-based enforcement patterns. Chapter Four presents a snapshot of the daily lives of low- and middle-tier sex workers, and some of their main demographic characteristics. Chapter Five characterizes the low-tier prostitution market. It shows the imbalanced interplay between law enforcement and health interventions aimed at streetwalkers, including their ineffectiveness in reducing either prostitution or the incidence of HIV/AIDS. Chapter Six focuses on middle-tier hostesses, how health actors target them, and how the police accommodate them. Chapter Seven is about elite prostitution. It shows how this tier is generally immune to targeted state intervention, with the important exception of clients who are the focus of corruption investigations.

Chapter Eight concludes with a discussion of the domestic and international policy implications of my findings with respect to two pressing issues: the HIV/AIDS epidemic, and sex trafficking.

Definitions, Terminology and Caveats

This research considers prostitution as "the exchange of sex or sexual services for money or other material benefits."[73] While some consider marriage a form of prostitution, that debate falls outside of the scope of this project. The three categories of sex work explored in this dissertation—streetwalkers, hostesses, and second wives—all fit comfortably within my definition, and Chinese policy and discourse also consider them to be prostitution.[74]

I use the terms "prostitution," "sex work," and "sex industry" interchangeably in my writing, although the two latter terms encompass a variety of practices that I do not explore in my research, such as exotic dancing and pornography. I refer to women who engage in prostitution as "sex workers," rather than "prostitutes." The term "prostitute" can sound derogatory. Women engaged in prostitution rights activism refer to

[73] Joyce Outshoorn, "Introduction: Prostitution, Women's Movements and Democratic Politics," in *The Politics of Prostitution: Women's Movements, Democratic States, and the Globalisation of Sex Commerce* (Cambridge, UK; New York: Cambridge University Press, 2004), 3.
[74] Jeffreys, *China, Sex and Prostitution*, 168–172.

themselves as sex workers, and public health research also favors this term. That said, the term "sex work" is not neutral. In particular, there exists a vigorous debate around the question of whether all prostitution is a form of exploitation, or whether it is possible to engage in prostitution by choice.[75] Those in the former camp oppose the term "work" because they disagree with the fact that it elevates prostitution to a legitimate form of employment.

I faced slightly different terminology concerns with respect to decisions about how to talk about my research in Chinese. Public health circles in China literally translate "sex work" (*xing gongzuo*—性工作) and "sex worker" (*xing gongzuozhe*—性工作者) when talking about prostitution, as do the handful of sex worker rights organizations in the country, all of which are borrowing directly from the language of their international colleagues. When talking to government officials, I would use the formal term for prostitution. It translates as "selling lewdness and visiting a prostitute" (*maiyin piaochang*—卖淫嫖娼), thus referring both to the seller and buyer of sex, and it sounds extremely derogatory. I did not use this term when talking to sex workers, as I quickly learned that it alienated them. Women in all three categories of prostitution would explain to me that what they were doing was different from that term, because their clients were "friends" (*pengyou*—朋友), where even a couple of minutes of conversation prior to a sexual transaction was sufficient for someone to qualify as a friend.[76] Instead, the term I used most frequently translates literally as "miss" (*xiaojie*—小姐). This is a widely-employed euphemism that sex workers use in reference to themselves, and that clients and non-sex industry actors also rely on in discussing this population.

The focus of my research is on female sex workers and male clients. Homosexual and female to male prostitution are also part of the sex industry landscape in China. Yet these present a number of differences in terms of their prevalence, place in Chinese society, the public perceptions they engender, state regulatory approaches towards them, and how individuals engaged in these types of prostitution perceive themselves. For

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[75] Abolitionists generally consider all female prostitution as oppression against women. For them, it is sexual slavery, and an extreme form of violence. Prominent advocates in this tradition include: Carole Pateman, "Defending Prostitution: Charges Against Ericsson," *Ethics* 93, no. 3 (April 1, 1983): 561–65; Kathleen Barry, *Female Sexual Slavery* (Englewood Cliffs N.J.: Prentice-Hall, 1979); Sheila Jeffreys, *The Idea of Prostitution* (North Melbourne: Spinifex, 1997); Catharine MacKinnon, *Women's Lives, Men's Laws* (Cambridge Mass.: Belknap Press of Harvard University Press, 2005); Andrea Dworkin, "Prostitution and Male Supremacy," *Michigan Journal of Gender & Law* 1 (1993): 1. Pro-sex work advocates consider that prostitution can be a form of legitimate work, and that individuals who engage in it can have agency over their circumstances. Authors on this side of the spectrum include: W Chapkis, *Live Sex Acts : Women Performing Erotic Labor* (New York: Routledge, 1997); Gail Pheterson, *A Vindication of the Rights of Whores* (Seattle WA: Seal Press, 1989); Gail Pheterson, *The Prostitution Prism* (Amsterdam: Amsterdam Univ. Press, 1996); Martha Nussbaum, "'Whether from Reason or Prejudice': Taking Money for Bodily Services," *The Journal of Legal Studies* 27, no. 2 (1998): 693. Abolitionists oppose all policies in support of legalized prostitution. Pro-sex work advocates support legalization and decriminalization policies. For a thorough discussion of contemporary feminist prostitution debates, see Kotiswaran, *Dangerous Sex, Invisible Labor*, 24-49.

[76] Chapter Four discusses this phenomenon in greater depth.

these reasons, while I developed familiarity with these issue areas, they fall outside the scope of this project.

Chapter Two: Historical and Contemporary Context of Prostitution in China

Introduction

A thorough understanding of prostitution in contemporary China requires situating it contextually in two dimensions: historical and in relation to broader political, economic and social developments that have occurred since the "Reform and Opening Up" policies that began in 1978. The current ubiquity of sex work stands in stark contrast to the invisibility of the phenomenon in the first decades of the People's Republic. Yet the relative scarcity of prostitution from 1949 to 1979 is best viewed as a brief historical interlude. In fact, prostitution has been prevalent throughout Chinese history. In addition, the PRC's official, national-level policy of prohibition is largely a historical exception. In Imperial China (361 B.C.-1912), prostitution policy generally varied based on the class of men and women involved.[77] Prostitution policy in Republican China (1912-1949) was formulated mainly at the local level, and varied widely.[78] In post-Mao China, prostitution's characteristics reflect larger issues tied to poverty, migration, wealth, sexual opening, the one-child policy, and a business culture structured around entertainment and the sex industry. This foray into the history of the regulation of prostitution in China reveals the historical antecedents of the class-based enforcement patterns I observe in China today. While contemporary prostitution policies do not openly recognize class-based differences, and instead emerge through de facto enforcement of the law, historically such tier-based distinctions were officially enshrined within the law.

Imperial China

Prostitution policy throughout most of Imperial China varied depending on the class and gender of the concerned individuals.[79] Until 1723, no legal code explicitly banned the sale of sexual services.[80] Instead, such transactions "simply could not be abstracted from a context of status and gender relations: the legal significance of an act depended on who did it to whom."[81] Regulations varied for men and women, and depended upon whether they were officials (*guanli—官吏*), commoners (*liang min—良民*) or of debased/mean status (*jian min—贱民*). As early as the Song dynasty (960-1279), officials and their sons were prohibited from frequenting brothels, patronizing

[77] Matthew Harvey Sommer, *Sex, Law, and Society in Late Imperial China* (Stanford, CA: Stanford University Press, 2000).
[78] Elizabeth J. Remick, "Police-Run Brothels in Republican Kunming," *Modern China* 33, no. 4 (2007): 423–61; Elizabeth J. Remick, "Prostitution Taxes and Local State Building in Republican China," *Modern China* 29, no. 1 (2003): 38–70.
[79] Imperial China begins with the Qin Dynasty, in 361 B.C., and ended in 1912 with the founding of the Republic of China.
[80] Sommer, *Sex, Law, and Society in Late Imperial China*, 210.
[81] Ibid.

prostitutes, or taking them as wives or concubines.[82] Perpetrators would lose their rank and degree, and receive a flogging of dozens of strokes of heavy bamboo.[83] The women who knowingly engaged in a sexual transaction with these officials were also punished. Wives of officials who engaged in illicit sex were also liable for sanctions.[84]

In contrast, male commoners were permitted to engage the services of sex workers, although they too were forbidden from marrying them.[85] However, commoner women who engaged in prostitution, or any other type of extramarital sexual relationship, were guilty of the crime of "'offenses of illicit sex' (*dang yi fan jian zhi lv lun zhi—当依犯奸之律论之*)."[86] A married woman or concubine would be treated as an adulterer, along with her husband and the customer.[87] Parties would be subject to bamboo flogging, although women coerced into prostitution might escape punishment.[88] In addition, the married couple would be divorced—a harsh sanction for men given that marriage was an important status symbol in Imperial China, and that an individual impoverished enough to pimp his wife would likely struggle to gather sufficient resources to remarry.[89] The woman would be returned to her family.[90] It was even illegal to coerce one's domestic slave into prostitution—an act that would result in her being freed into commoner status.[91] Commoner men would also be punished for pimping their daughters.[92]

Until the early Qing dynasty (1644-1912), prostitution was permitted for debased-status groups. This was particularly relevant for individuals who belonged to "music households" (*yue hu—乐户*), who were expected to engage in prostitution.[93] This class originated in the Han Dynasty (206 BC-220 AD), with the wives and daughters of executed criminals, prisoners of war, rebels, and political dissidents enslaved into state-supervised sexual and entertainment services.[94] These women, and any sons who were

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[82] Gail Hershatter, *Dangerous Pleasures: Prostitution and Modernity in Twentieth-Century Shanghai* (Berkeley: University of California Press, 1997), 204, 474–475; Sommer, *Sex, Law, and Society in Late Imperial China*, 7; 218–221.

[83] Hershatter, *Dangerous Pleasures*, 204; 474–475; Sommer, *Sex, Law, and Society in Late Imperial China*, 7.

[84] Matthew Sommer, e-mail message to author, August 22, 2014.

[85] Ibid., 218.

[86] Ibid., 54; 223.

[87] Ibid., 55.

[88] Ibid., 55–56; 227.

[89] Ibid., 55; 226–227.

[90] Ibid., 227.

[91] Ibid.

[92] Ibid., 56.

[93] Ibid., 7. Sommer underscores that it is a slight misnomer to describe this system as "prostitution." The term "implies paid work in a commercial sex market, and at least the possibility of female agency and choice. The sexual servitude described here was really a form of slavery, not unlike the use of sexual slaves ("comfort women") by the Japanese army during World War II. It is only in the late Ming and Qing dynasties that we see the emergence of a pervasive, private commercial sex market." (Ibid., 212).

[94] Ibid., 212.

spared death along with their fathers, were registered as members of *yue hu*.[95] This status was hereditary.[96] Throughout the Yuan (1279-1368), Ming (1368-1644), and early Qing dynasties, the Bureau of Instruction (*jiao fang si--教坊司*) had jurisdiction over the *yue hu*, and implemented policies that included registering and taxing them.[97] The law accepted sexual transactions between *yue* women and commoner men, and allowed debased-status men to pimp their wives and daughters.[98] Regulations serving to demarcate this class of individuals included sumptuary laws that required the men to wear green headgear, a practice that lives on today in the Chinese expression for being cuckold--"to wear a green hat," (*dai lv maozi—戴绿帽子*).[99] Not all debased-status women were prostitutes; nor were all women engaged in transactional sex members of these hereditary groups working under the auspices of the Bureau of Instruction.[100] Nevertheless, until the early Qing period, there existed a class of individuals distinct from commoners and officials who were considered below the law.[101] They were not held to what were considered moral standards of sexual behavior, and the state both permitted and forced them to engage in prostitution.

In 1723, the Yongzheng Emperor abolished the legal category of *yue* and other debased-status groups, thereby elevating them to commoner status.[102] This policy is generally understood as an effort at "emancipation," and a reflection of socio-economic changes occurring at the time that were wearing away at status barriers.[103] The Yongzheng Emperor explained that these categories prevented such individuals from moral reform and "self-renewal."[104] The 1723 edict, while not explicitly framed as a blanket prohibition on prostitution, effectively criminalized such practices across all social classes.[105] New regulations against pimping were enacted, which also required local officials and others to play an active role against prostitution.[106] Previous sanctions continued to apply, such that any married couple would now be divorced, and guilty parties were subject to punishments such as bamboo flogging and the cangue.[107] These policies continued to hold into the late Qing Dynasty.[108]

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[95] Ibid.
[96] Ibid.
[97] Ibid., 213.
[98] Ibid., 7; 54; 220–221; 248–250.
[99] Ibid., 218.
[100] Ibid., 214.
[101] Ibid., 255.
[102] Ibid., 265.
[103] Susan Mann, *Precious Records: Women in China's Long Eighteenth Century* (Stanford, CA: Stanford University Press, 1997), 43; Sommer, *Sex, Law, and Society in Late Imperial China*, 3.
[104] Sommer, *Sex, Law, and Society in Late Imperial China*, 266.
[105] Ibid., 272–273.
[106] Ibid., 273.
[107] Ibid., 274. The cangue was a portable punishment and public humiliation device that generally consisted of two pieces of flat board with a hole in the center large enough for a person's neck.
[108] Matthew Sommer, e-mail message to author, August 22, 2014.

It is difficult to provide a comprehensive assessment of the extent to which individuals abided by the prostitution rules regulating their social status, or the frequency with which transgressions were prosecuted. That said, Sommer's analysis of legal case records provides ample evidence that violations of the law did occur, and that such behavior was--at least occasionally—punished.[109] He also documents significant changes in enforcement following the 1723 reforms, illustrating how local officials made real efforts to implement the policies that criminalized all prostitution.[110] His research, and that of others, also shows the persistence of illicit forms of prostitution throughout Imperial China. By the early seventeenth century, a private enterprise-based commercial sex market had emerged separate from the state-controlled system based on hereditary penal servitude.[111] While the Yongzheng Emperor eliminated the *yue* system, he did not succeed in eliminating prostitution from Qing society.[112] Instead, the illicit market for commercial sex continued to thrive as it filled the void created by the abolition of state-approved debased-status prostitution.[113] Yet throughout the Imperial era, it was the status of the individual that drove the state's impetus to regulate prostitution, rather than the commercial aspect of the phenomenon. In contemporary China, as in many places that currently prohibit prostitution, objections to the sex industry are based on the commodification of women's bodies that occurs in the process of exchanging money or other goods for sex. Payment for sex is the problem, rather than promiscuity or adultery. In Imperial China, by contrast, the central concern revolved around the issue of "illicit sexual intercourse," who would engage in it, and how it "threatened the family morality and structure essential to social order."[114] This distinction lies at the heart of how to understand prostitution policy in Imperial China.

Late Qing and Republican China

In late Qing and Republican (1912-1949) China, prostitution policies varied at the local level.[115] In 1904-5, the central government allowed local governments to regulate and tax prostitution, in order to facilitate funding of provincial police forces established under the late Qing New Policies.[116] Three local models of prostitution policy subsequently emerged: abolition, licensing and taxation, and state-run brothels.[117]

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[109] Sommer, *Sex, Law, and Society in Late Imperial China*.
[110] Ibid., 289; 301.
[111] Ibid., 8; 234; 258–259.
[112] Ibid., 281.
[113] Ibid.
[114] Ibid., 303. Sommer notes that a similar status concern shaped prostitution policy in ancient Rome (Ibid., 309).
[115] The term "local" refers to government below the central level, either provincial or subprovincial.
[116] Remick, "Police-Run Brothels in Republican Kunming," 425; Remick, "Prostitution Taxes and Local State Building in Republican China," 45.
[117] Remick, "Prostitution Taxes and Local State Building in Republican China," 42–43; Remick, "Police-Run Brothels in Republican Kunming," 425. Remick (2007) presents four rather than three prostitution models. Specifically, she distinguishes between a model of licensing and light taxation, and a model of heavy taxation that resulted in prostitution playing a significant role in local state-building (Remick 2003, 2007).

County and municipal governments occasionally attempted to abolish prostitution. Nanjing did so when it was the capital of the Republic, from 1927 to 1937, as did localities in Hunan and Henan.[118] Such bans included either sudden closure of brothels, or gradual license withdrawal.[119] The women might be forced to leave the town, or redirected towards other forms of employment.[120] Attempts to ban prostitution were unsuccessful, and instead only pushed it underground.[121]

Most localities adopted a policy that included registering brothels, licensing sex workers and requiring them to undergo health inspections, and taxing the venues and the women.[122] Chinese scholars refer to this system as official prostitution (*gongchang*—公娼), which Remick calls the "national model."[123] This model prohibited non-registered prostitution. Localities that adopted this model frequently also established institutions to facilitate women's exit from prostitution.[124] Prostitution taxes were generally first collected in provincial capitals. Municipal police registered brothels, collected the taxes, and kept the revenue.[125] This practice extended to other cities and towns as they developed their own law enforcement institutions.[126] In 1913, the central (Beiyang) government formalized local taxation, delegating prostitution tax collection authority to the provinces, which could in turn authorize municipal governments to administer the system.[127] The tax was two-fold. Brothels paid a monthly licensing fee to the police, calculated on the basis of venue status and number of women.[128] In addition, individual sex workers paid a monthly tax that generally varied according to their standing.[129] Capital cities in almost all of the main 22 provinces in Republican China adopted this system, as did other towns.[130] Taxation revenue went toward developing the local police force, and supporting health and rehabilitation institutions for women.[131] A particularly

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[118] Zwia Lipkin, *Useless to the State: "Social Problems" and Social Engineering in Nationalist Nanjing, 1927-1937* (Cambridge, MA: Harvard University Press, 2006); Remick, "Prostitution Taxes and Local State Building in Republican China," 43.

[119] Remick, "Police-Run Brothels in Republican Kunming," 425; Remick, "Prostitution Taxes and Local State Building in Republican China," 43.

[120] Remick, "Police-Run Brothels in Republican Kunming," 425.

[121] Remick, "Prostitution Taxes and Local State Building in Republican China," 43.

[122] Remick, "Police-Run Brothels in Republican Kunming," 425; Remick, "Prostitution Taxes and Local State Building in Republican China," 46–47.

[123] Remick, "Police-Run Brothels in Republican Kunming," 425; Remick, "Prostitution Taxes and Local State Building in Republican China."

[124] Remick, "Police-Run Brothels in Republican Kunming," 425.

[125] Remick, "Prostitution Taxes and Local State Building in Republican China," 45.

[126] Ibid.

[127] Ibid.

[128] Christian Henriot, "'From a Throne of Glory to a Seat of Ignominy': Shanghai Prostitution Revisited (1849-1949)," *Modern China* 22, no. 2 (1996): 132–63; Gail Hershatter, "The Hierarchy of Shanghai Prostitution, 1870-1949," *Modern China* 15, no. 4 (1989): 463–98. Cited in Remick, "Prostitution Taxes and Local State Building in Republican China."

[129] Remick, "Prostitution Taxes and Local State Building in Republican China," 46.

[130] Ibid.

[131] Ibid., 47.

rigorous version of this model emerged in some localities, most notably in Guangzhou. Taxation there was based on the volume of business, including a per-transaction tax, and a tax based on the amount spent on the banquet that clients would host as part of the transaction.[132] The local government was able to use the additional revenue that such a taxation method generated in order to invest in projects including road construction, schools, universities, hospitals, and military activities.[133] Under this system, prostitution contributed actively to local state-building activities that went beyond simply funding law enforcement activities. This difference leads Remick to define it as a "taxation regime," distinct from the "national model."[134] Other provinces could have also engaged in more intensive taxation of prostitution, if they had wanted to. Yet Remick argues that the Guangdong government had unique political incentives driving their desire for increased revenue. They had greater military expenses than other provinces, as they were frequently in conflict with the central government. In addition, provincial and municipal leaders were particularly committed to modernization, a goal that required funding costly infrastructure projects.[135]

State-run brothels presented the third model of prostitution policy present in late Qing and Republican China. Such institutions existed in the cities of Kunming, Guiyang, and Chengdu.[136] In addition to licensing and taxing sex workers, the police created a walled-off zone for prostitution, called *jiyuan* (*集园*).[137] They also sold entrance tickets (customers paid them rather than the women directly), claimed part of sex worker earnings, charged rent for the brothels, coordinated health inspections, and provided security.[138] Instead of regulating a privately-run venue, the local government in these cases transformed brothels into a state institution, alongside organizations such as fire brigades, city hospitals, and slaughterhouse inspection units.[139] This model was implemented most thoroughly in Kunming.[140] Of greater importance than the revenue benefits it presented, the local government embraced it for its contributions to maintaining social order.[141]

A Brief Note on Concubines

The state regulated the institution of concubines through a system that was separate from that governing prostitution. Concubinage emerged as custom amongst

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[132] Remick, "Prostitution Taxes and Local State Building in Republican China"; Remick, "Police-Run Brothels in Republican Kunming," 426.
[133] Remick, "Police-Run Brothels in Republican Kunming," 453; Remick, "Prostitution Taxes and Local State Building in Republican China," 53; 58.
[134] Remick, "Police-Run Brothels in Republican Kunming," 246.
[135] Remick, "Prostitution Taxes and Local State Building in Republican China," 58–62.
[136] Ibid., 42; Remick, "Police-Run Brothels in Republican Kunming," 453.
[137] Remick explains that the term *jiyuan* (集园) here means "to gather together," and "garden." It is easily confused with the term *jiyuan* (妓院), or brothel, which literally means "prostitute" and "courtyard."
[138] Remick, "Police-Run Brothels in Republican Kunming," 426; 432.
[139] Ibid., 426; 447.
[140] Remick, "Police-Run Brothels in Republican Kunming."
[141] Ibid., 427; 452.

elites in the Song period (960-1279).[142] Starting with the Ming dynasty, it had become institutionalized as a semi-legitimate marriage.[143] Under Qing laws, concubines were considered minor wives, a status that applied to any woman married after the first wife.[144] Unlike prostitutes, they lived at the master's residence, and were incorporated into kinship structures as subordinate to the main wife, whom they were required to obey.[145] Yet their legal status was inferior to that of the first wife, who had certain legal protections against divorce. [146] In contrast, husbands had complete discretion to expulse concubines from the household.[147] A concubine could, however, appeal for divorce if her husband or other household members beat her excessively, or forced or allowed her to commit adultery.[148] In Republican China, the government sought to promote monogamy and gender equality, while at the same time providing legal protection for concubines.[149] As a result of this tension, it left the regulation of concubinage to the courts, and made no mention of it in the civil code.[150] The courts hesitated to rule on concubinage as bigamy, given how widespread the practice was in society and within the political leadership.[151] They instead compromised, and provided concubines with additional legal rights by considering them members of the master's household.[152] The Communist Party abolished concubinage in 1950, when the first marriage law in the PRC defined the institution of marriage as monogamous.[153] Today's phenomenon of "keeping a second wife" (*bao ernai*—包二奶), discussed in greater detail below, is likened to the concubinage of the past.[154]

The People's Republic of China: 1949-1979

Prostitution policy in the first decades of the People's Republic of China differed from most of historical precedents in two important ways. First, it was uniform, varying neither by status nor locality. The phenomenon was banned everywhere, for everyone. Second, it was enforced with significantly more success than the country had seen

[142] Lisa Tran, "The Concubine in Republican China: Social Perception and Legal Construction," *Etudes Chinoises* 28 (2008): 120.
[143] Ibid.
[144] Ibid., 123.
[145] Lisa Tran, "The Concubine in Republican China: Social Perception and Legal Construction," *Etudes Chinoises* 28 (2008): 125–126.
[146] Ibid.
[147] Ibid.
[148] Kathryn Bernhardt, "Women and the Law: Divorce in the Republican Period," in *Civil Law in Qing and Republican China*, ed. Kathryn Bernhardt and Philip C. Huang (Stanford, CA: Stanford University Press, 1994), 210.
[149] Ibid., 209–210.
[150] Ibid., 210.
[151] Tran, "The Concubine in Republican China," 2008, 121–122; 148.
[152] Bernhardt, "Women and the Law: Divorce in the Republican Period," 211–212; Tran, "The Concubine in Republican China," 2008, 135–136; 148.
[153] Suowei Xiao, *China's New Concubines? The Contemporary Second-Wife Phenomenon*, 2009, 1; 9.
[154] Xiao, *China's New Concubines?*.

previously. While Chinese Communist Party (CCP) claims of eradication were not entirely accurate, both the scope and visibility of prostitution decreased sharply.

When the CCP came to power in 1949, it began a campaign to abolish prostitution, which it considered "a sequel to the savage and bestial system of former exploiters and power holders to ruin the spirit and the body of women and to tarnish their dignity."[155] Successful eradication was of symbolic importance. Prostitution was considered a feudal remnant of the country's colonial past.[156] Prostitutes were perceived as proletarian victims of exploitative, wealthy business elites.[157] The Party viewed its success as representing "China's emergence as a strong, healthy, and modern nation," and framed its efforts in terms of "reeducation, redemption from imperialism, and the creation of a new woman, free from her past shameful history as China was free from her national shame."[158]

Municipalities throughout the PRC acted swiftly. Some authorities closed down brothels immediately in late 1949 and early 1950, including in Suzhou, Beijing, Nanjing, Hangzhou, and Tianjin.[159] Other localities, including Shanghai and Wuhan, adopted an approach of registration and gradual closure.[160] This method was meant to better manage the economic and social repercussions of a sudden crackdown.[161] Prostitution detention centers for women emerged alongside the campaigns. These institutions facilitated social reinsertion of reformed detainees, who might be returned to their families, married, assigned to factory employment, or sent to work on state farms in the remote provinces of Gansu, Xinjiang, or Ningxia.[162] In addition to these efforts to redirect sex workers towards other occupations, the Party was developing a surveillance and control apparatus that made it increasingly difficult for anyone to engage in illicit behavior unbeknownst to local authorities.[163] Community organizations such as resident committees collaborated closely with authorities to monitor criminal behavior.[164] In the years following the founding of the PRC, the occurrence of prostitution decreased sharply in large part due to the Party's success at developing the institutions necessary to establish a police state. By the late 1950s/early 1960s, the government was proclaiming that prostitution had been

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[155] Christian Henriot, "'La Fermeture': The Abolition of Prostitution in Shanghai, 1949-58," *The China Quarterly*, no. 142 (1995): 467. Henriot quotes an editorial from the December 1949 issue of *Xin Zhongguo Funv* (Women of New China), the official publication of the national organization for women, All-China Women's Federation (ACWF).

[156] Sarah Biddulph, *Legal Reform and Administrative Detention Powers in China* (Cambridge, UK: Cambridge University Press, 2007), 70; Henriot, "La Fermeture," 467–468; Hershatter, *Dangerous Pleasures*, 305.

[157] Henriot, "La Fermeture," 468.

[158] Hershatter, *Dangerous Pleasures*, 305.

[159] Henriot, "La Fermeture," 469; Biddulph, *Legal Reform and Administrative Detention Powers in China*, 71.

[160] Biddulph, *Legal Reform and Administrative Detention Powers in China*, 71; Henriot, "La Fermeture"; Hershatter, *Dangerous Pleasures*, 304–310.

[161] Biddulph, *Legal Reform and Administrative Detention Powers in China*, 71.

[162] Ibid., 75; Hershatter, *Dangerous Pleasures*, 318–320.

[163] Henriot, "La Fermeture," 476.

[164] Biddulph, *Legal Reform and Administrative Detention Powers in China*, 76.

eradicated.[165] While the exchange of sex for money or other material benefits likely continued in more disguised forms, it was significantly less prevalent and conspicuous than in the past.[166] The success of the 1950s campaign, in contrast to previous efforts throughout the country to abolish prostitution, speaks to the breadth and depth of the state's reach under Mao, and the close integration of the national and local governments at that time.[167]

Prostitution in post-Mao China

In December 1978, Deng Xiaoping launched the policy of reform and opening (*gaige kaifang*—改革开放). Coincident with the market-based economic reforms and opening up to the outside world that this plan promoted, the incidence and visibility of prostitution increased exponentially in the PRC.[168] Foreigners first reported on the presence of prostitution in cities.[169] Officials claimed it was reemerging in coastal urban areas as a result of foreign investment.[170] While researchers generally described a pattern in which it spread from there into the interior and rural areas, others identified its presence in non-coastal areas early on.[171]

The resurgence of prostitution and the characteristics it exhibits reflect broader political, economic and social developments in post-socialist China. These include poverty, rural to urban migration, and unemployment; an increase in wealth; a sexual opening; a surplus in men tied to the one-child policy; and a business culture structured around entertainment and the sex industry.

Rural Poverty, Migration, and Unemployment

Rural poverty and unemployment in China, in combination with a relaxation of policies such as the household registration system (*hukou*—户口) that had previously placed strict restrictions on the movement of people away from the countryside, have

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[165] Hershatter, *Dangerous Pleasures*, 242; Jinghao Zhou, "Chinese Prostitution: Consequences and Solutions in the Post-Mao Era," *China: An International Journal* 4, no. 2 (2006): 242; Elaine Jeffreys, *China, Sex and Prostitution* (London; New York: RoutledgeCurzon, 2004), 96; Elanah Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS" (PhD diss., Columbia University, 2007), 6.

[166] Biddulph, *Legal Reform and Administrative Detention Powers in China*, 76; Jeffreys, *China, Sex and Prostitution*, 2004, 96; Elaine Jeffreys, "Debating the Legal Regulation of Sex-Related Bribery and Corruption in the People's Republic of China," in *Sex and Sexuality in China*, ed. Elaine Jeffreys (London; New York: Routledge, 2006), 171.

[167] Hershatter, *Dangerous Pleasures*, 305–306; 322.

[168] Elaine Jeffreys, *Prostitution Scandals in China: Policing, Media and Society* (London; New York: Routledge, 2012), 3; Jeffreys, *China, Sex and Prostitution*, 2004, 96; Elaine Jeffreys, "Introduction: Talking Sex and Sexuality in China," in *Sex and Sexuality in China*, ed. Elaine Jeffreys, Routledge Studies on China in Transition 26 (London; New York: Routledge, 2006), 14; Hershatter, *Dangerous Pleasures*, 333.

[169] Hershatter, *Dangerous Pleasures*, 327; 330–331.

[170] Ibid., 334–335.

[171] Ibid., 335.

resulted in massive amounts of migration to urban areas since the 1980s.[172] About 60 percent of China's population is rural, and official data note that 14.79 million people were living in rural poverty in 2007.[173] This figure rises to 88 million when using the World Bank's consumption measure of $1/day.[174] The gap between urban and rural income and development is widening, rooted partly in differences in access to basic public services such as education, health care, and social security.[175] For instance, there exists a budgetary shortfall for compulsory education in the countryside, and a gap with respect to input per student in rural versus urban areas.[176] Per capita health funding in cities is 73.7 yuan, in contrast to 13.8 yuan in rural areas.[177] Such factors all serve to fuel migration.

In 2003, official Chinese sources estimated that the population of migrant rural workers, known as "floating population" (*liudong renkou*—流动人口), was about 140 million.[178] This figure constitutes about 11 percent of the entire country's population, and one-fifth of all individuals actually living in cities.[179] About half of migrants are women.[180] Referred to as "laboring sisters" (*dagongmei*—打工妹), they are concentrated in the manufacturing sector, as well as service and domestic work.[181] Their male counterparts also work in the construction and transportation industries.[182] These women

[172] Ching Kwan Lee, *Gender and the South China Miracle: Two Worlds of Factory Women* (Berkeley: University of California Press, 1998). [Insert proper page number.]
[173] United Nations Development Program, *Access for All: Basic Public Services for 1.3 Billion People*, 2008, 95; 10–11; Asian Development Bank, *People's Republic of China Country Gender Assessment*, 2006, 22.
[174] Asian Development Bank, *People's Republic of China Country Gender Assessment*, 1.
[175] United Nations Development Program, *Access for All: Basic Public Services for 1.3 Billion People*, 20–23; 33; 82.
[176] Ibid., 73.
[177] Ibid., 77.
[178] Qin Gao and Carl Riskin, "Market versus Social Benefits: Explaining China's Changing Income Inequality," in *Creating Wealth and Poverty in Postsocialist China*, ed. Deborah Davis and Wang Feng (Stanford University Press, 2009), 34.
[179] Ibid.
[180] Zai Liang and Yiu Por Chen, "Migration and Gender in China: An Origin-Destination Linked Approach," *Economic Development and Cultural Change* 52, no. 2 (2004): 423–43; Asian Development Bank, *People's Republic of China Country Gender Assessment*, 22.
[181] Asian Development Bank, *People's Republic of China Country Gender Assessment*, 22; Arianne M Gaetano and Tamara Jacka, *On the Move: Women and Rural-to-Urban Migration in Contemporary China* (New York: Columbia University Press, 2004); Margaret Y.K. Woo, "Contesting Citizenship: Marriage and Divorce in the People's Republic of China," in *Sex and Sexuality in China*, ed. Elaine Jeffreys, Routledge Studies on China in Transition 26 (London; New York: Routledge, 2006), 63.
[182] Asian Development Bank, *People's Republic of China Country Gender Assessment*, 22; Gaetano and Jacka, *On the Move: Women and Rural-to-Urban Migration in Contemporary China*.

are the lowest paid and most abused in the Chinese labor market.[183] Sex workers largely come from this population, and their client base is made up partially of migrant men.[184]

Migrants face numerous challenges to integrating into urban areas. Specifically, their *hukou*, attached to their rural residence, limits their access to basic public services, including education for their children, in urban areas.[185] They are the targets of significant amounts of labor discrimination, including wage arrears and non-payment of wages. Such abuse has contributed to an increase in protests amongst migrant workers. Given the size of the population, and the possible threats they present to social stability, Chinese policymakers have in recent years made it a priority to address the concerns underlying their dissatisfaction. In addition to strengthening labor rights, the Party is also exploring further reforms and abolishment of the *hukou* system.[186] In the meantime, the continued poverty in which female migrants frequently find themselves serves as a push factor of women into prostitution.

An additional source of unemployment that has disproportionately affected women has occurred through the restructuring of state-owned enterprises (SOEs) in the 1990s. From 1995 to 2001, SOEs laid off more than 35 million workers.[187] Over 13.36 million of them were women, and they were disproportionately represented in the layoffs.[188] In addition, only 39% of these women have subsequently found alternate forms of legitimate employment.[189] The ranks of older sex workers are largely populated by some of the women who remained unemployed.

Wealth

While poverty serves as a push factor for women who sell sex, the increasing wealth of another subset of the population fuels much of the demand for prostitution. Indeed, inequality in China is rising quickly.[190] In the 1970s the country had one of the most egalitarian societies in the world, yet it is currently becoming one of the most

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[183] Asian Development Bank, *People's Republic of China Country Gender Assessment*, 22; Tiantian Zheng, *Red Lights: The Lives of Sex Workers in Postsocialist China* (Minneapolis: University of Minnesota Press, 2009), 26.

[184] Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS," 2007, 7; Lena Edlund and Evelyn Korn, "A Theory of Prostitution," *The Journal of Political Economy* 110, no. 1 (2002): 181; 206.

[185] United Nations Development Program, *Access for All: Basic Public Services for 1.3 Billion People*, 95.

[186] Aaron Back, "China to Speed Up Reform of 'Hukou' System," *Wall Street Journal*, December 18, 2012, http://online.wsj.com/article/SB10001424127887324407504578186704284896948.html.

[187] Xiao-yuan Dong and Lixin Colin Xu, "Labor Restructuring in China: Toward a Functioning Labor Market," *Journal of Comparative Economics* 37, no. 2 (June 2009): 287–305.

[188] Xiao-yuan Dong and Manish Pandey, "Gender and Labor Retrenchment in Chinese State Owned Enterprises: Investigation Using Firm-Level Panel Data," *China Economic Review* 23, no. 2 (June 2012): 385–95; Asian Development Bank, *People's Republic of China Country Gender Assessment*, 11.

[189] Asian Development Bank, *People's Republic of China Country Gender Assessment*, 11.

[190] Deborah Davis and Wang Feng, eds., *Creating Wealth and Poverty in Postsocialist China* (Stanford University Press, 2009).

unequal of developing countries.[191] In 2015, 4.4 million households in China will be wealthy—the fourth largest concentration of wealth worldwide in absolute terms, after the United States, Japan, and the United Kingdom.[192] Wealthy households in China earn more than $36,500 a year, providing them with the spending power of a US household making about $100,000 a year.[193] The urban middle class is also growing rapidly. In 2011, 290 million people constituted the lower middle class, with annual incomes of 25,000 to 40,000 renminbi.[194] They are rapidly joining the ranks of the upper middle class, whose numbers are projected to rise to 520 million in 2025, with disposable income of 13.3 trillion renminbi.[195] This economic growth is increasing consumption amongst the urban middle class—a goal to which the state is clearly committed.[196] In addition to spending more on property, tourism, education, and cars, this subset of the population is also buying more sex.

A Sexual Opening

Attitudes and behaviors surrounding sexuality in Chinese society have changed significantly since the adoption of market reforms in the late 1970s, and the characteristics of prostitution both reflect and shape these broader shifts. Despite his own promiscuity, sex and sexuality were taboo subjects under Mao.[197] Discourse focused on sex as a reproductive tool, rather than a source of pleasure.[198] The one-child policy, discussed further below, played an important role in divorcing sex from procreation. Widespread promotion of contraception and abortions reduced fears of unwanted pregnancies, thus facilitating sexual experimentation.[199] Non-reproductive sexual behavior, including premarital and homosexual sex, has gained prevalence and acceptance.[200] Sexuality is omnipresent in contemporary China. Images of sex, in advertisements and the press, are ubiquitous. Public displays of affection, once taboo, are common. The sex shop industry is flourishing, with over 200,000 stores nationwide, and

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[191] Carl Riskin, Renwei Zhao, and Shi Li, *China's Retreat from Equality: Income Distribution and Economic Transition* (Armonk, N.Y.: M.E. Sharpe, 2001).
[192] Yuval Atsmon and Vinay Dixit, "Understanding China's Wealthy," *McKinsey Quarterly*, July 2009.
[193] Ibid.
[194] Diana Farrell, Ulrich A. Gersch, and Elizabeth Stephenson, "The Value of China's Emerging Middle Class," *McKinsey Quarterly*, 2006.
[195] Ibid.
[196] Luigi Tomba, "Creating an Urban Middle Class: Social Engineering in Beijing," *The China Journal*, no. 51 (January 1, 2004): 1–26.
[197] Suiming Pan, "Transformations in the Primary Life Cycle: The Origins and Nature of China's Sexual Revolution," in *Sex and Sexuality in China*, ed. Elaine Jeffreys (London; New York: Routledge, 2006), 27; Zhisui Li, *The Private Life of Chairman Mao: The Memoirs of Mao's Personal Physician* (New York: Random House, 1994).
[198] Pan, "Transformations in the Primary Life Cycle: The Origins and Nature of China's Sexual Revolution," 28–31.
[199] Ibid.
[200] Timothy Hildebrandt, *Social Organizations and the Authoritarian State in China* (Cambridge; New York: Cambridge University Press, 2013); James Farrer, *Opening Up: Youth Sex Culture and Market Reform in Shanghai* (Chicago: University of Chicago Press, 2002).

annual sales around of 1.5 billion USD.[201] Local government agencies sponsor sex-themed exhibits and fairs. In 2009, Beijing's first sex-toy fair, somewhat euphemistically called the "prenatal and postnatal care planning supplies (adult products) exhibition," (*yousheng youyu jisheng yongpin (chengren yongpin) zhanlanhui*--优生优育计生用品(成人用品)展览会) attracted over 50,000 visitors.[202] The annual Guangzhou National Sex Culture Festival celebrated its eleventh anniversary in 2013. For a few days every year, a major exhibition hall in the city overflows with a smorgasbord of products and events including sex toys, lingerie fashion shows, S&M products, lubricants, lectures on sperm donation, inflatable and silicon dolls, screenings of "how-to" sex videos, and, for good measure, displays of malformed fetuses preserved in formaldehyde.[203] Yet some boundaries still exist. Entrepreneurs in Chongqing discovered they had crossed a line when, in 2009, they began construction of "Sex Park," (*xing gongyuan*—性公园), billed as the country's first sex-themed park.[204] "Love Land," the park's somewhat less explicit given English name, was forced to shut down on the orders of local officials, following a proliferation of online criticisms of the park covered in *China Daily*, the English-language mouthpiece of the CCP.[205] The manager unsuccessfully attempted to defend the project by emphasizing the park's ability to help adults "enjoy a harmonious sex life," thus describing it with the terms of Hu Jintao's "Harmonious Society" doctrine.[206]

Other markers of these shifts in perspectives on sexuality include increases in both the incidence of divorce, and sexually transmitted diseases (STDs). Although

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[201] Lian Mo, "China's Store-Bought Sexual Revolution," *China Daily*, July 10, 2010, http://www.chinadaily.com.cn/business/2010-07/10/content_10090544.htm; Jo McMillan, "Selling Sexual Health: China's Emerging Sex Shop Industry," in *Sex and Sexuality in China*, ed. Elaine Jeffreys, vol. 26 (London; New York: Routledge, 2006).

[202] City Weekend, "Beijing's First-Ever Sex Toy Fair Ends Today," April 6, 2009, http://www.cityweekend.com.cn/beijing/articles/blogs-beijing/cw-blog/beijings-first-ever-sex-toy-fair-ends-today/.

[203] Robert Foyle-Hunwick, "Guys and Sex Dolls–Scenes from the Guanzghou Sexpo," *Danwei*, October 16, 2012, http://www.danwei.com/guys-and-sex-dolls-scenes-from-the-guanzghou-sexpo/; Alex Hofford, "A Sleazy 'Sexual Culture Festival' in Guangzhou, China," *Alex Hofford Photography*, November 5, 2009, http://www.alexhofford.com/node/2262.

[204] Chris Buckley, "China Sex Theme Park Comes to Abrupt End," *Reuters*, May 18, 2009, http://www.reuters.com/article/worldNews/idUSTRE54H03N20090518; Edward Wong, "Chinese City Is Chilly to a Sex Theme Park - NYTimes.com," *New York Times*, May 18, 2009, http://www.nytimes.com/2009/05/19/world/asia/19china.html; Yanzi Tan, "Sex Theme Park Prepares to Open," *China Daily*, May 15, 2009, http://www.chinadaily.com.cn/china/2009-05/15/content_7780762.htm.

[205] Attempting this project in a different location might have met with less resistance. Local opposition to a sex park in Chongqing in 2009 could be tied to broader political circumstances specific to the city. At the time, Bo Xilai was the mayor of Chongqing. In addition to carrying out ruthless campaigns against organized crime in the city, he also sought to revive the Cultural Revolution-era "red culture" movement, a project framed as an attempt to address declining public morality. A sex park would probably not be viewed in a very positive light in a city seeking to project an image of moral rectitude.

[206] As one of the guiding principles of Communist Party policies since 2005, the concept is sometimes distorted in unexpected ways within Chinese society. Chinese sex workers, for example, talk about their role in harmonizing the sex lives of married couples in which wives lack sexual desire. Margaret L. Boittin, "New Perspectives from the Oldest Profession: Abuse and the Legal Consciousness of Sex Workers in China," *Law & Society Review* 47, no. 2 (2013): 263–264.

stigma against divorce remains deeply entrenched, rates have soared in recent decades. The divorce rate, five times larger than in the 1970s, is around 20 percent.[207] STDs, discussed in greater depth in a later chapter, have proliferated with increases in unprotected sex with greater numbers of partners.

The pervasiveness of these changes has led one scholar to note that China's contemporary consumer drive "places sex at the center of just about everything."[208] These developments are frequently referred to as a "sexual revolution," though use of the concept is contested.[209] Regardless of the term used, the existence of a new space for sexual exploration is undeniable. The sociologist Farrer describes it as "sexual opening up" (*xing kaifang*—性开放).[210] He argues that Western and Japanese entertainment, media, and personal exchanges have played an important role in shaping such changes, and that local culture has influenced the ways in which they have been interpreted and adopted.[211] These local interpretations sometimes result in skewed perceptions of Western notions of sexuality as more open than some Chinese practices and policies. I initially encountered this a few weeks after my first move to China, in 2001. During a four-hour bus ride from Shanghai to Ningbo, the businessman sitting next to me struck up a conversation, and explained to me that he was on his way to visit his mistress. He then proceeded to underscore how pleased he was to be able to talk to me about this so openly, since I was from the West where there is much greater acceptance of extramarital affairs. More generally, throughout my fieldwork I found myself repeatedly correcting the misconception that prostitution is legal everywhere in the West. Local government officials, police officers, madams, sex workers and clients would frequently characterize China's prostitution policies as "backwards" (*luoho--落后*), in contrast to the Western legalization model. My explanations of the overarching similarities between the content of policing policies in China and the United States and most other Western countries never failed to surprise my interlocutors. I would then further dispel their misconceptions by noting that prostitution is legal in regulated brothels in Singapore, an authoritarian country with a predominantly ethnic Chinese population that is sometimes viewed as a model for China's political and economic development.

In addition to the prevalence of distorted perspectives on mainstream practices outside of China, other widely held local beliefs around sexuality represent views that are more contested in Western cultures. Specifically, the idea that men, but not women, have a biological and physical "need" for sex is taken for granted in China, and used to justify

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[207] Jim Yardley, "Women in China Embrace Divorce as Stigma Eases," *The New York Times*, October 4, 2005, http://www.nytimes.com/2005/10/04/international/asia/04divorce.html.
[208] Judith Farquhar, *Appetites: Food and Sex in Postsocialist China* (Durham, NC: Duke University Press, 2002), 247.
[209] Elaine Jeffreys, *China, Sex and Prostitution* (London; New York: RoutledgeCurzon, 2004), 67; William L. Parish, Edward O. Laumann, and Sanyu A. Mojola, "Sexual Behavior in China: Trends and Comparisons," *Population and Development Review* 33, no. 4 (2007): 729–56; Elanah Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS" (PhD diss., Columbia University, 2007), 6.
[210] Farrer, *Opening up*.
[211] Ibid., 11–12.

male solicitation of sex workers. A wide range of different types of informants in my research, including sex workers, police officers, and public health workers, echoed this belief. Other scholars have also highlighted the prevalence of such attitudes. Uretsky, for example, in her ethnography of male sexual culture in urban China, notes how she "often heard both men and women simply say that men have a basic physical need for sex."[212] Xiao's study of second wives underscores how "notions that men are promiscuous by nature are prevalent in public discourses."[213]

In contrast to the predominant view of marriage in the West, extramarital relationships in China are considered compatible with fulfilling one's responsibilities as a dutiful husband. Marriage in China is defined primarily in terms of duties to one's spouse, child, and parents, rather than around romantic love between the couple.[214] One of Xiao's informants, a husband with a second wife, articulated this distinction in telling her: "I was a decent husband and father, generally speaking. I took care of the family finances, sent our son to a good private school, and stayed at home for all the important holidays."[215] In this conception of marriage, a good husband provides for his family by fulfilling financial and domestic duties. Emotions and romantic feelings between spouses are not part of the equation. This leaves husbands free to pursue emotional and sexual satisfaction outside the marriage. As long as they maintain their familial responsibilities, such behavior is not stigmatized as a moral transgression.

These views around men's physical needs and the nature of marriage highlight deeply rooted gendered inequalities in Chinese society. Women's sexual desires are given short shrift. It is not culturally acceptable for wives to pursue extramarital relationships. Such discrepancies are enshrined even within realms intended to advance women's rights in China. Uretsky quotes a woman who had worked for the All-China Women's Federation (ACWF), the country's main institution for advancing women's rights, as noting that "it's natural for men to have relations with women outside their marriage and because they can distinguish their feelings from sex, it's not a big deal to have a sexual relationship outside their marriage because it doesn't threaten their marriage."[216] To hear an ACWF representative espouse tolerance of male infidelity, and assume that men, but not women, can divorce sex from emotions, speaks to the extent to which gendered biases are entrenched within Chinese society.

The One-Child Policy and the Surplus in Men

The one-child policy generally prohibits couples from having more than one child, and plays an important role in understanding prostitution in contemporary China.

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[212] Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS," 2007, 106, 167–168.
[213] Xiao, *China's New Concubines?*, 175.
[214] Ibid., 146–147; 153–154; James Farrer and Sun Zhongxin, "Extramarital Love in Shanghai," *The China Journal* no. 50 (July 1, 2003): 9; 19; 30.
[215] Xiao, *China's New Concubines?*, 153.
[216] Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS," 2007, 163.

It was enacted in 1979 in order to contain the population growth that had occurred under Mao.[217] There exist a number of important exceptions to the policy. In November 2013, the Central Committee of the CCP announced that couples will be allowed to have two children if either spouse is an only child.[218] Even prior to this reform, the one-child policy reportedly only applied to 40 to 60 percent of the population.[219] In rural areas, couples whose first child is a girl can generally have a second child, and sometimes a third.[220] Members of China's 55 ethnic minority groups are also frequently permitted to have more than one child. Some localities have implemented reforms that are even more relaxed than the 2013 central-government issued changes. For example, the city of Chengde, in Hebei province, with a population of over 3 million inhabitants, has a two-child policy.[221] Penalties for violating the policy can be severe. Fines vary by province. In general, they are calculated based on average income of the place in which the couple resides. While such fines are crushing for the poor, the wealthy are more easily able to absorb such costs. That said, government officials and employees risk losing their jobs if they do not abide by it.[222] Forced abortions have also been employed to enforce it.[223]

China's one-child policy is largely responsible for gender imbalance in the population today: in 2005, the country's sex ratio at birth was 118.9—far above the normal range of 103 to 107.[224] A preference for sons results in infanticide, the abandonment of girls, higher female than male infant mortality rates due to poorer health care and nutrition, and the abortion of female fetuses, despite the illegality of ultrasounds.[225] By 2020, the number of marriage-age men is predicted to exceed the

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[217] Tyrene White, *China's Longest Campaign: Birth Planning in the People's Republic, 1949-2005* (Ithaca, N.Y.: Cornell University Press, 2006).

[218] Chris Buckley, "China's Vow to Relax One-Child Policy Faces Reality Check," *The New York Times*, November 17, 2013, sec. World / Asia Pacific, http://www.nytimes.com/2013/11/18/world/asia/chinas-vow-to-relax-one-child-policy-faces-reality-check.html.

[219] Reuters, "Backroom Battle Delays Reform of China's One-Child Policy," *South China Morning Post*, April 9, 2013; Agence France Presse, "'Two-Child Policy' Town Shows Scope for Reform," *South China Morning Post*, March 28, 2013; "Rethinking China's One-Child Policy: The Child in Time," *The Economist*, August 19, 2010, http://www.economist.com/node/16846390.

[220] W. X. Zhu, L. Lu, and T. Hesketh, "China's Excess Males, Sex Selective Abortion, and One Child Policy: Analysis of Data from 2005 National Intercensus Survey," *BMJ* 338, no. 2 (April 9, 2009): b1211–b1211.

[221] Carol Huang, "'Two-Child Policy' Town Shows Scope for Reform," *South China Morning Post*, March 27, 2013.

[222] Maureen Fan, "Officials Violating 'One-Child' Policy Forced Out in China," *The Washington Post*, January 8, 2008, sec. World, http://www.washingtonpost.com/wp-dyn/content/article/2008/01/07/AR2008010701062.html.

[223] Reuters, "Backroom Battle Delays Reform of China's One-Child Policy"; Edward Wong, "Forced to Abort, Chinese Woman Under Pressure," *The New York Times*, June 26, 2012; Frank Langfitt, "After A Forced Abortion, A Roaring Debate In China," *NPR*, July 5, 2012.

[224] Asian Development Bank, *People's Republic of China Country Gender Assessment*, 2006, 22; Arianne M Gaetano and Tamara Jacka, *On the Move: Women and Rural-to-Urban Migration in Contemporary China* (New York: Columbia University Press, 2004).

[225] Asian Development Bank, *People's Republic of China Country Gender Assessment*, 30–31.

number of marriage-age women by 30 to 40 million.[226] This translates into 20 percent of marriage-age men remaining bachelors.[227] The term "bachelor village" (光棍村—*guangguncun*) has recently emerged in reference to poor remote villages populated mainly by aging single men; the term "guanggun" literally means "bare branches," as these individuals will likely remain childless.[228] The resultant surplus in men contributes to the demand for prostitution.[229] It is also considered a threat to security and social stability, fueling domestic and cross-border human trafficking, the purchase of brides, and a growing crime rate.[230] The rise in sex ratios is said to account for one-sixth of the overall rise in violent and property crimes from 1988-2004, such that a one percent increase in the sex ratio results in a six percent increase in crime rate.[231]

Interestingly, the current shortage of women and subsequent threats to social stability find echoes throughout Chinese history. Evidence of female infanticide exists as early as the Song dynasty (960-1279), and concubinage reduced the pool of women for poorer men.[232] In the nineteenth century, overpopulation and agricultural involution contributed to a subsistence crisis, and a growing number of male peasants struggled to obtain the resources that would allow them to marry and raise children.[233] In some rural areas, 20 percent of adult men might never marry.[234] This population of surplus men, driven initially by desires for wives and land, eventually played important roles in the Red Army and the political upheavals of the late nineteenth and early twentieth centuries.[235] Political leaders in modern China may have learned from this past. Specifically, contemporary concerns for maintaining social stability, given gender imbalance and mass migration, are sometimes posited as explanations for the lack of

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[226] "1 in 5 Marriage Age Chinese Men to Remain Bachelors within 10 Years," *People's Daily Online*, January 13, 2010.
[227] Ibid., 5.
[228] Tania Branigan, "China's Village of the Bachelors: No Wives in Sight in Remote Settlement," *The Guardian*, September 2, 2011; Jessica Levine, "China's New Bachelor Class," *The Atlantic*, February 11, 2013; Rob Brooks, "China's Biggest Problem? Too Many Men," *CNN*, March 4, 2013. For a series of documentaries on the issue of China's bachelors, see the Pulitzer Center on Crisis Reporting Project "China's Bachelors: When Men Outnumber Women," available at http://pulitzercenter.org/projects/china-population-women-bachelor-marriage (last accessed April 11, 2013).
[229] Edlund and Korn, "A Theory of Prostitution," 181; 205–206.
[230] Valerie M. Hudson and Andrea Den Boer, "A Surplus of Men, a Deficit of Peace: Security and Sex Ratios in Asia's Largest States," *International Security* 26, no. 4 (April 1, 2002): 5–38; Eric Baculinao, "China Grapples with Legacy of Its 'Missing Girls': Disturbing Demographic Imbalance Spurs Drive to Change Age-Old Practices," *NBC News*, September 14, 2004; Lena Edlund et al., "Marriage and Crime: Evidence from China's Rising Sex Ratios," September 2010.
[231] Edlund et al., "Marriage and Crime: Evidence from China's Rising Sex Ratios"; Brooks, "China's Biggest Problem?".
[232] Sommer, *Sex, Law, and Society in Late Imperial China*, 13.
[233] Ted A. Telford, "Family and State in Qing China: Marriage in the Tongcheng Lineages, 1650-1880," in *Family Process and Political Process in Modern Chinese History*, vol. 2 (Taipei: Institute of Modern History, Academia Sinica, 1992), 12; Sommer, *Sex, Law, and Society in Late Imperial China*, 12–13.
[234] Elizabeth J Perry, *Rebels and Revolutionaries in North China, 1845-1945* (Stanford, Calif.: Stanford University Press, 1980).
[235] Sommer, *Sex, Law, and Society in Late Imperial China*, 12.

effective enforcement against prostitution, and the seeming absence of political will to thoroughly address the issue.

Business and the Entertainment Industry

In many cultures, soliciting sex is considered a personal experience that is divorced from one's professional responsibilities and aspirations. It is also an act that one would likely seek to conceal from colleagues and business partners. In China, the entertainment industry, with prostitution at its heart, plays a crucial role in professional networking and the conduct of business.

This work culture phenomenon has roots in Chinese history. Courtesan culture throughout Imperial and Republican China played an important socialization role amongst elites.[236] In her history of Republican Beijing, Dong notes that political and business meetings occurred in brothels, which she characterizes as the "equivalent of Western elite social and sports clubs, where a large part of real deal making took place in a relaxed atmosphere."[237] Sidney Gamble, who conducted social surveys of China in the early twentieth century, noted that "[i]t is extremely difficult for a man to hold high official rank without spending a very large part of his time in the licensed quarter, attending dinners and wasting his energy in late hours."[238] This observation also reflects the experience of businessmen and government officials in contemporary China.

Food, drink, and entertainment are integral to Chinese work culture. The process of hosting government officials, businessmen, and other professional contacts is called *yingchou* (应酬).[239] It involves organizing elaborate, alcohol-imbued banquets, followed by activities such as massages, hair washing, singing, dancing, more drinking, and prostitution. These experiences solidify *guanxi* (关系)—the personal relations network crucial to accomplishing anything in China.[240] *Yingchou* secures contracts, grants access and projects, and facilitates career advancement. It is how professional goals are

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[236] Dorothy Ko, *Teachers of the Inner Chambers: Women and Culture in Seventeenth-Century China* (Stanford, CA: Stanford University Press, 1994), 254–256; Hershatter, *Dangerous Pleasures*, 69.

[237] Madeleine Yue Dong, *Republican Beijing: The City and Its Histories* (Berkeley: University of California Press, 2003), 226.

[238] Sidney D. Gamble, *Peking: A Social Survey* (New York: George H. Doran, 1921), 258, cited in Dong, *Republican Beijing*, 226.

[239] Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS," 2007; Katherine A. Mason, "To Your Health! Toasting, Intoxication and Gendered Critique among Banqueting Women," *The China Journal* no. 69 (January 2013): 108–133.

[240] Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS," 2007; *Social Connections in China: Institutions, Culture, and the Changing Nature of Guanxi*, Structural Analysis in the Social Sciences 21 (Cambridge, UK; New York: Cambridge University Press, 2002); Andrew B. Kipnis, *Producing Guanxi: Sentiment, Self, and Subculture in a North China Village* (Durham, NC: Duke University Press, 1997); Yunxiang Yan, *The Flow of Gifts : Reciprocity and Social Networks in a Chinese Village* (Stanford, CA: Stanford University Press, 1996); Mayfair Mei-hui Yang, *Gifts, Favors, and Banquets: The Art of Social Relationships in China* (Ithaca, N.Y.: Cornell University Press, 1994); Kwang-kuo Hwang, "Face and Favor: The Chinese Power Game," *American Journal of Sociology* 92, no. 4 (January 1987): 944–974.

achieved, and it occupies a great deal of time for both businesspeople and bureaucrats. In the southwestern town of Ruili, in Yunnan province, Uretsky observed that some local government officials host visitors from 8am until 2am, sometimes six or seven days a week.[241] Mason, in her ethnography of public health institutions in the Pearl River Delta, described participating in the inspection of a hospital surveillance system. After the morning inspection, the hospital treated members of her public health work unit to over 12 hours of *yingchou*, including a banquet, foot massages, a game of *mahjiang*, and a second banquet.[242] Such practices are ubiquitous across professional sectors. I worked for two years as an English language primary school teacher in a coastal city. A foreign non-profit organization had established the program, and the school administration would host banquets whenever representatives from the non-profit came to visit. After one such lunch banquet, my fellow foreign teacher graciously covered my afternoon class for me. I was too drunk to manage a classroom full of six-year-olds, and our visiting program manager recognized that he was in no state to evaluate my teaching. Much of the access I got in the course of conducting the research for this project on prostitution involved experiences of *yingchou* with the police, local officials, public health workers, madams, and pimps.

Prostitution is integral to the post-banquet, entertainment part of *yingchou*. It could occur in the karaoke club where clients are also engaging in legal forms of entertainment, in hotels, or in venues that only provide sexual services. The decision to engage in prostitution as part of *yingchou* is not simply a private one. Instead, professional and social expectations come into play. Uretsky notes that many men "are uncomfortable with the drinking, smoking, and sexual expectations required of hosting and entertaining but do not dare disappoint their bosses for fear of demonstrating a lack of loyalty to both their superiors and the Party."[243] In the *yingchou* setting, refusing sexual services becomes a public act where both the individual and his host can lose face (*mianzi—面子*).[244] Soliciting sex in this environment also serves as proof of manhood.[245]

The ties between entertainment and the sex industry that characterize work culture in contemporary China are also present in other Asian societies, including Japan and Korea.[246] However, in her research on male business culture in China, Uretsky notes an important difference between her findings, and the situation in other countries.

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[241] Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS," 2007, 61–62.

[242] Mason, "To Your Health! Toasting, Intoxication and Gendered Critique among Banqueting Women," 108–109.

[243] Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS," 2007, 83.

[244] Ibid., 83–84.

[245] Ibid., 86.

[246] Cheng Sea-ling, "Assuming Manhood: Prostitution and Patriotic Passions in Korea," *East Asia* 18, no. 4 (2000): 40–78; Anne Allison, *Nightwork: Sexuality, Pleasure, and Corporate Masculinity in a Tokyo Hostess Club* (Chicago: University of Chicago Press, 1994); Evelyne Micollier, ed., *Sexual Cultures in East Asia: The Social Construction of Sexuality and Sexual Risk in a Time of AIDS*, RoutledgeCurzon--IIAS Asian Studies Series (London; New York: RoutledgeCurzon, 2004).

Elsewhere, businessmen work hard, and then play hard. Entertainment allows men to rekindle "the 'humaneness' of their work relations."[247] In China, professional success is established in the actual process of entertainment, and the skills the host demonstrates in that situation.[248]

Some evidence suggests that the increase of women in the workforce is affecting the process of *yingchou* and prostitution, and leading to the "de-sexualization of banqueting."[249] In particular, Mason, in her work on public health work units, notes that the solicitation of sex rarely followed the banquets she attended. Without denying that prostitution may have occurred in these situations, she notes instead that if it did, "it was outside the normal domain of *guanxi*-building at the work units" with which she worked.[250]

Magnitude of Prostitution

The phenomena discussed above contribute to explaining the magnitude of the Chinese sex industry. Precise calculations of the size of the country's sex worker population are unavailable. In 2000, Chinese Public Security sources were cited as estimating that 4 to 6 million women engaged in prostitution.[251] In 2010, the English language mouthpiece of the Communist Party, the *China Daily*, printed an opinion piece by a researcher who assessed the size of the sex worker population as ranging from 3 to 10 million.[252] Nongovernmental estimates have been as large as 20 million.[253] Sources that discuss the number of sex workers in the country generally provide little explanation of their calculations. Official numbers might be low, given the illegality of prostitution and the political sensitivity of its ubiquity. Variation could also be tied to different definitions of sex work, such as whether or not they include all female service workers in entertainment venues, as well as difficulties accessing a mobile and sometimes hidden population. These millions of women are located throughout urban and rural China. Some cities are considered to have especially high concentrations of sex workers, such as Dongguan, an industrial city in the Pearl River Delta that attracts a lot of businessmen and foreign direct investment. Yet one is hard pressed to identify places in China that lack a thriving sex industry. Estimates of the size of the client population are similarly unreliable. A 2006 national survey found that 6.9% of men aged 18 to 49 had solicited commercial sex at least once in their life.[254] The study authors acknowledge sampling

[247] Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS," 2007, 73.
[248] Ibid., 74.
[249] Mason, "To Your Health! Toasting, Intoxication and Gendered Critique among Banqueting Women," 120.
[250] Ibid.
[251] UNAIDS Theme Group on HIV/AIDS in China, *HIV/AIDS: China's Titanic Peril*, 2002.
[252] Yingying Huang, "Illegal 'Profession' Is Risky Business," *China Daily*, May 5, 2010.
[253] Wei Zhong, "A Close Look at China's Sex Industry," *Lianhe Zaobao*, October 2, 2000.
[254] S. Pan, W. L. Parish, and Y. Huang, "Clients of Female Sex Workers: A Population-Based Survey of China," *Journal of Infectious Diseases* 204, no. suppl 5 (October 31, 2011): S1211–S1217.

problems.[255] In addition, it is unclear whether the definition of commercial sex used encompasses sexual transactions that would occur in the process of the business and entertainment situations described above. The sensitivity of this behavior may have also resulted in significant amounts of underreporting.

Conclusion

The aspects of post-Mao China discussed above—poverty, migration, wealth, shifting conceptions of sexuality, gender imbalance, and work culture—provide important contextual information for understanding the emergence and characteristics of prostitution in contemporary China, and its relationship to broader political, social, and economic issues. While prostitution exists in all societies today, the context described in this chapter underscores some of the unique characteristics of the phenomenon in China. These include the gender imbalance tied to the one-child policy, a business culture structured around the sex industry, and the sheer magnitude of the phenomenon. The latter is particularly jarring given the sudden shift from very low levels of hidden prostitution to a large-scale, visually prominent sex industry that emerged rapidly in the years following post-1978 market liberalization. With the exception of the former Soviet Union, which experienced a similarly abrupt change in the prevalence of prostitution when it opened up its markets, such a pattern is an extremely rare occurrence. Indeed, this chapter's foray into Imperial and Republican China's approaches to the regulation of prostitution underscores important similarities with post-1979 regulatory patterns, and highlights the historical anomaly of prostitution under Mao. In particular, the de facto class-based enforcement patterns that my research uncovers also structured earlier approaches to state control of prostitution. Historically, these class differences were officially acknowledged and enshrined within the law, which openly treated prostitution differently based on the status of the participants. Today, these are instead unofficial distinctions visible through the ways in which policies intended to be class-blind are actually implemented.

[255] Ibid., S1214.

Chapter Three: Prostitution Policies in Contemporary China

Introduction

Prostitution control is a universal problem for which states have adopted a variety of different policies in their efforts to address the various policing, health and commercial challenges that it presents. This chapter situates China's policies on the spectrum of regulatory possibilities that societies have vis-à-vis prostitution, and highlights the key institutions and practices that characterize the Chinese approach. In so doing, it shows how the content of China's prostitution laws encompasses a broad range of tiers and types of prostitution. The class-based enforcement patterns described in Chapters Five, Six and Seven are thus not enshrined within the formal letter of the law. Instead, they are instances of class-based selective policy implementation in which enforcers are deviating from the rules not in terms of which policies they do or do not enforce, but rather in terms of whom they choose to enforce them upon.[256]

Spectrum of Regulatory Possibilities

Three general approaches exist to the legal status of prostitution: criminalization, decriminalization, and legalization.[257] Criminalization is the official prohibition of prostitution, which can be prosecuted under criminal law. Decriminalization entails the removal or lack of criminal laws pertaining to prostitution, and absence of any other laws specific to prostitution. In the legalization model, the state formally recognizes prostitution as an authorized market activity. This model includes decriminalization, to which it adds actively interventionist business and health policies. These are ideal types.[258] In reality, national and local government prostitution policies often reflect a combination of these categories, depending on the type of prostitution (indoor versus outdoor) and the actor involved (sex worker, client, or organizer).

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[256] Kevin J. O'Brien and Lianjiang Li, "Selective Policy Implementation in Rural China," *Comparative Politics* 31, no. 2 (January 1, 1999): 167–86.

[257] In addition to these three terms, "regulation," "abolition," and "prohibition" are also employed to describe the range of possible prostitution policies. Regulation generally refers to a legalization model, and prohibition reflects the characteristics of criminalization. Abolition is used alternatively, and inconsistently, to describe criminalization or partial decriminalization. For examples of other categorizations of prostitution policies, see Janet Halley et al., "From the International to the Local in Feminist Legal Responses to Rape, Prostitution/Sex Work, and Sex Trafficking: Four Studies in Contemporary Governance Feminism," *Harvard Journal of Law & Gender* 29 (2006): 335; Marina Della Giusta, "Simulating the Impact of Regulation Changes on the Market for Prostitution Services," *European Journal of Law and Economics* 29, no. 1 (February 1, 2010): 1–14; Joyce Outshoorn, ed., *The Politics of Prostitution: Women's Movements, Democratic States, and the Globalisation of Sex Commerce* (Cambridge, UK; New York: Cambridge University Press, 2004); Vanessa Munro and Marina Della Giusta, eds., *Demanding Sex: Critical Reflections on the Regulation of Prostitution* (Aldershot, England; Burlington, VT: Ashgate, 2008).

[258] Elizabeth Bernstein, *Temporarily Yours: Intimacy, Authenticity, and the Commerce of Sex* (Chicago: University of Chicago Press, 2007), 230.

Most countries have a predominantly criminal system. Sanctions in criminalized prostitution regimes range from fines and incarceration, to capital punishment.[259] Fully criminalized models punish sex workers, clients, and third party organizers, as is the case for both China, and most of the United States (with the exception of some counties in Nevada).[260] A number of other countries do not punish the actual exchange of sex for money, but criminalize those activities that facilitate it, such as soliciting and organizing prostitution. Countries that fall within that category include England, France, and Italy.[261] Sweden has a combined prostitution policy that criminalizes prostitution for clients and organizers, and decriminalizes it for the sex worker. New Zealand has a fully decriminalized system for sex workers and clients, which includes the decriminalization of brothels. The regime is distinct from legalization because brothels are subject to general employment and health regulations that apply to all businesses, rather than guidelines elaborated specifically for the sex industry.[262]

A variety of different legalization models exist. Within one country, subnational and local policies often shape them in important ways. In Nevada, state law allows for any county with a population under 700,000 to license brothels, subject to various zoning restrictions. Under state or local law, prostitution is illegal in four counties and the capital, Carson City. Brothel employees must register with local authorities and undergo regular medical tests. All prostitution occurring outside of licensed brothels is illegal. In the Netherlands, brothels are legal, and subject to municipal licensing, zoning, and health and safety requirements. Unlike in Nevada, medical check ups are encouraged, but not compulsory, in order to both combat stereotypes of sex workers as vectors of disease, and reduce client requests for no condom use on the basis of such mandatory testing.[263] Streetwalking is also permitted, subject to the approval of local authorities, and can be restricted to certain spaces and times of day.[264] Some municipalities have officially designated areas for streetwalkers that include parking for transactions between sex workers and clients, as well as health services for sex workers.[265] In Germany, federal legislation has legalized both outdoor and indoor prostitution, including third party

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[259] The death penalty, when authorized, generally applies to third parties, rather than sex workers or clients.
[260] In 2003, a District Court judge in Rhode Island unexpectedly decriminalized indoor prostitution. It was recriminalized in 2009. Scott Cunningham and Manisha Shah, *Decriminalizing Indoor Prostitution: Implications for Sexual Violence and Public Health*, Working Paper (National Bureau of Economic Research, July 2014).
[261] Vanessa E. Munro and Marina Della Giusta, "The Regulation of Prostitution: Contemporary Contexts and Comparative Perspectives," in *Demanding Sex: Critical Reflections on the Regulation of Prostitution* (Abingdon, Oxon, GBR: Ashgate Publishing Ltd, 2008), 4; Johanna Kantola and Judith Squires, in *Demanding Sex: Critical Reflections on the Regulation of Prostitution: Critical Reflections on the Regulation of Prostitution*, ed. Marina della Giusta and Vanessa Munro (Cambridge, UK; New York: Cambridge University Press, 2004), 62.
[262] Munro and Della Giusta, "The Regulation of Prostitution: Contemporary Contexts and Comparative Perspectives," 2–3.
[263] Dutch Ministry of Foreign Affairs, *Dutch Policy on Prostitution. Questions and Answers 2012* (Netherlands: Dutch Ministry of Foreign Affairs, 2012), AVT12/BZ106006, http://www.minbuza.nl/binaries/content/assets/minbuza/en/import/en/you_and_the_netherlands/about_the_netherlands/ethical_issues/faq-prostitutie-pdf--engels.pdf-2012.pdf.
[264] Ibid.
[265] Bernstein, *Temporarily Yours*, 156–161; Dutch Ministry of Foreign Affairs, *Dutch Policy on Prostitution. Questions and Answers 2012*.

organizers. As state and local governments also have regulatory powers over certain aspects of prostitution, laws governing it vary within the country. Zoning laws allow municipalities to either ban prostitution completely, or limit it to certain areas, depending on population size.[266] Trade laws vary with respect to whether and how they allow brothels to register as businesses.[267] Taxation systems also vary at the local level.[268] In Austria, streetwalking is legal and zoned in Vienna and one other province.[269] Brothels are legal in a number of provinces, subject to municipal authorization.[270] Prostitution falls within the definition of private enterprise, allowing sex workers to enroll in Austria's social insurance system.[271]

Australia's eight states and territories illustrate, within one country, the full range of regulatory possibilities for prostitution. In Tasmania and South Australia, all prostitution activities other than the sex worker-client transaction are criminalized. New South Wales has a decriminalized regime for public solicitation and brothels. While the remaining five states and territories prohibit soliciting, they have adopted varied policies to legalize brothel prostitution.[272]

Closer to China, Singapore, Hong Kong and Taiwan all have policies that allow for the occurrence of some forms of prostitution. In Singapore, the exchange of sex for money is not an offense, though pimping, public solicitation, and brothel management constitute violations of the law. Against this background of criminalization, a system of regulated brothels operates in designated areas of the city-state. In these areas, brothel owners and sex workers register with law enforcement. Sex workers undergo mandatory health testing, for which they are issued yellow cards that indicate engagement in prostitution. The police consult these cards when inspecting brothels as evidence of registration with the authorities.[273] In Hong Kong, too, the exchange of sex for money is

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[266] Barbara Kavemann, Heike Rabe, and Claudia Fischer, *The Act Regulating the Legal Situation of Prostitutes–Implementation, Impact, Current Developments: Findings of A Study on the Impact of the German Prostitution Act, Berlin* (Berlin, Germany: Sozialwissenschaftliches FrauenForschungsInstitut an der Evangelischen Fachhochschule Freiburg, 2007), 5, http://www.cahrv.uni-osnabrueck.de/reddot/BroschuereProstGenglisch.pdf.
[267] Ibid., 24.
[268] Ibid., 42.
[269] Marina Della Giusta, "Simulating the Impact of Regulation Changes on the Market for Prostitution Services," in *Demanding Sex: Critical Reflections on the Regulation of Prostitution*, ed. Vanessa Munro and Marina Della Giusta (Aldershot, UK: Ashgate, 2008), 128; Birgit Sauer, "Taxes, Rights and Regimentation: Discourses on Prostitution in Austria," in *The Politics of Prostitution: Women's Movements, Democratic States and the Globalisation of Sex Commerce*, ed. Joyce Outshoorn (Cambridge: Cambridge University Press, 2004), 42.
[270] Sauer, "Taxes, Rights and Regimentation: Discourses on Prostitution in Austria," 42.
[271] Ibid., 56.
[272] Barbara Sullivan, "The Women's Movement and Prostitution Politics in Australia," in *The Politics of Prostitution: Women's Movements, Democratic States and the Globalisation of Sex Commerce*, ed. Joyce Outshoorn (Cambridge: Cambridge University Press, 2004), 21; Barbara Sullivan, "When (Some) Prostitution Is Legal: The Impact of Law Reform on Sex Work in Australia," *Journal of Law and Society* 37, no. 1 (March 1, 2010): 86.
[273] Hui Hsien Ng, "Moral Order Underground: An Ethnography of the Geylang Sex Trade" (National University of Singapore, 2011); Shin Bin Tan and Alisha Gill, "Containing Commercial Sex to Designated

legal, while soliciting and third-party organizing is criminalized. As brothels are against the law, sex workers are not allowed to work together in a shared space. A common form of prostitution in Hong Kong is thus the "one-woman brothel," where a sex worker services a client alone in a small apartment.[274] In Taiwan, prostitution is legal in areas that local governments officially designate as sex trade zones. As of 2014, local governments had yet to set up such areas since the 2011 legislation permitting their establishment.[275] While some of its smaller neighbors are experimenting with legalized sex work, China's official policies are firmly entrenched in the criminal approach to regulating prostitution.

China's Law Enforcement Policies on Prostitution

Definition of Prostitution

In early PRC laws and regulations, prostitution was generally understood as occurring between a female sex worker and a male client, and a number of local regulations specifically defined it as such.[276] This understanding of the phenomenon shifted in the 1990s. China's prostitution laws currently apply both to male and female sex workers, and define prostitution as an act occurring between either different or same-sex individuals.[277] Police officer guidelines highlight the necessity of meeting the following three criteria for an act to be considered prostitution. First, the act must be voluntary. Second, it must involve the sex organs of at least one of the individuals—it thus includes vaginal, anal, and oral sex, as well as masturbation. Third, the act must involve an expectation of profit in the form of money or goods.[278]

The Policies

All aspects of prostitution are criminalized in China.[279] It is illegal to buy or sell sex. It is also forbidden to organize or harbor prostitution activities. Most aspects of prostitution pertaining to sex workers and clients are considered administrative, rather than criminal, offenses under Chinese law. This means that the police, rather than the courts and the criminal justice system, are usually responsible for imposing sanctions against first-parties involved in prostitution. Third-parties, such as pimps and madams, are instead generally in violation of criminal laws.

Red Light Areas: An Idea Past Its Prime?," 2013, http://lkyspp.nus.edu.sg/wp-content/uploads/2014/04/Containing-Commercial-Sex-to-Designated-Red-Light-Areas.pdf.

[274] These spaces are called *yi lou yi feng* (一楼一凤), which literally means "one building, one phoenix."

[275] Ho Yi, "Stories of the Excluded," *Taipei Times*, August 13, 2014, http://www.taipeitimes.com/News/feat/print/2014/08/13/2003597291.

[276] Sarah Biddulph, *Legal Reform and Administrative Detention Powers in China* (Cambridge, UK: Cambridge University Press, 2007), 168.

[277] Ibid.

[278] Ibid., 169.

[279] In discussing prostitution and law enforcement, I use the terms "inmate," "incarcerate," "arrest," and "criminal," in a broad sense. As administrative measures govern many of these behaviors and institutions, they often do not actually fall within the purview of China's legal and criminal justice systems.

The first piece of PRC legislation to address prostitution was the 1979 Criminal Law. It focused exclusively on the actions of third-parties, who could be imprisoned for a decade or more for facilitating prostitution transactions.[280] Two years later, the Ministry of Public Security issued a regulation devoted entirely to prostitution, the 1981 *Notice on Resolutely Prohibiting Prostitution Activities,* which also outlined sanctions against sex workers and clients.[281] Local regulations targeting the behavior of first parties followed shortly thereafter. Guangdong province passed the first such law in August 1981, entitled the *Provincial Provisional Rules on Banning Selling and Buying of Sex*, and other localities soon followed suit.[282]

The main body of national-level laws and regulations currently in force touching on various aspects of prostitution includes: the 1991 *Decision of the Standing Committee of the National People's Congress on Strict Prohibition Against Prostitution and Whoring*; the 1991 *Decision on the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women and Children*; the 1992 *Law on Protecting the Rights and Interests of Women*; the 1993 *Measures for Detention for Education of Prostitutes and Clients of Prostitutes*; the 2006 *Security Administrative Punishments Law*; the 1997 *Criminal Law*; the 1999 and 2006 *Regulations Concerning the Management of Public Places of Entertainment*; and the 2013 *Measures for the Administration of Entertainment Venues*.[283] Taken together, they regulate the behavior of sex workers, clients, individuals who organize prostitution, and venues that harbor it.

Additional regulations govern the behavior of CCP members, and individuals who are married. The 2004 *Disciplinary Regulations of the Chinese Communist Party* state that using one's position of power to have sexual intercourse can result in job loss, probation or expulsion from the Party.[284] CCP members who buy or sell sex, or organize prostitution, can be expelled from the Party.[285] The 2001 *Marriage Law* prohibits bigamy, as well as cohabitation with someone of the opposite sex who is not one's spouse when married.[286] Bigamy and cohabitation are grounds for divorce, and in such cases the

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[280] Elaine Jeffreys, *Prostitution Scandals in China: Policing, Media and Society* (London; New York: Routledge, 2012), 7.
[281] Biddulph, *Legal Reform and Administrative Detention Powers in China*, 156.
[282] Heqing Zhang, "Female Sex Sellers and Public Policy in the People's Republic of China," in *Sex and Sexuality in China*, ed. Elaine Jeffreys, Routledge Studies on China in Transition 26 (London; New York: Routledge, 2006), 142.
[283] For an in-depth analysis of many of these regulations, including the contexts surrounding their emergence and a thorough examination of the content of specific articles, see: Jeffreys, *Prostitution Scandals in China*; Elaine Jeffreys, *China, Sex and Prostitution* (London; New York: RoutledgeCurzon, 2004); Elaine Jeffreys, ed., *Sex and Sexuality in China*, Routledge Studies on China in Transition 26 (London; New York: Routledge, 2006); Biddulph, *Legal Reform and Administrative Detention Powers in China*.
[284] *Zhongguo Gongchandang Jilu Chufen Tiaoli* (中国共产党纪律处分条例) [Regulation of the Communist Party of China on Disciplinary Actions] Art. 151 (promulgated by the Central Communist Party of China, Feb. 18, 2004, effected Feb. 18, 2004).
[285] Ibid., Art. 156.
[286] *Marriage Law of the People's Republic of China (2001 Amendment)* (中华人民共和国婚姻法 [2001年修正]) Art. 3 (promulgated by Standing Comm. Nat'l People's Cong., Sept. 10, 1980, effected Jan. 1, 1981, amended Apr. 28, 2001).

innocent spouse has the right to claim compensation.[287] These 2001 reforms to the Marriage Law were specifically enacted to address concerns over the growing practice of keeping mistresses and second wives in Chinese society.[288]

Condoms as Evidence of Prostitution

Another relevant law enforcement policy forbids the police from using condoms as evidence of prostitution.[289] This policy is extremely important for reducing the prevalence of HIV/AIDS. When sex workers know that the presence of condoms can serve as evidence that they are engaging in prostitution, they hesitate to keep them readily accessible or to use them. Chapters Five elaborates on the actual enforcement of this policy, and reveals both implementation issues and sex worker skepticism about it. Interestingly, such policies are also an issue in the United States, where the police and prosecutors confiscate and introduce condoms as evidence of prostitution-related offenses throughout the country.[290] In New York State, the Assembly passed a bill in 2013 that would prohibit the police and prosecutors from confiscating and introducing condoms as evidence of prostitution-related offenses. If the Senate passes the bill, New York would be the first state to ban the use of condoms as evidence of prostitution.

The Punishments

The range of possible sanctions for prostitution-related activities includes warnings, fines, various types of detention and incarceration, and the death penalty. Sex industry actors are also the targets of public shaming events, and periods of intensified law enforcement activities, called "Strike Hard Campaigns" (*yanda*—严打), and "Anti-Vice Campaigns" (*saohuang dafei*—扫黄打非).

Fines

Sex workers and clients can be fined up to 5,000 yuan (830 USD) when arrested for prostitution.[291] Entertainment venues that harbor prostitution activities can be fined

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[287] Ibid., Arts. 32 and 46.

[288] Yan Sun, *Corruption And Market In Contemporary China* (Cornell University Press, 2004), 177–178; Xiaoqing Feng, "A Review of the Development of Marriage Law in the People's Republic of China," *University of Detroit Mercy Law Review* 79 (2002 2001): 388–391; Clara Li, "Marriage Law Overhaul Bans 'Second Wives,'" *South China Morning Post*, April 29, 2001; Gary Sigley, "Sex, Politics and the Policing of Virtue in the People's Republic of China," in *Sex and Sexuality in China*, ed. Elaine Jeffreys (London; New York: Routledge Studies on China in Transition 26, 2006), 50.

[289] Elaine Jeffreys and Gang Su, "China's 100 Per Cent Condom Use Program: Customising the Thai Experience," *Asian Studies Review* 35, no. 3 (2011): 322; Xuequan Mu, "Condoms No Longer Evidence of Prostitution in China," *Xinhua News Agency*, November 30, 2007, http://news.xinhuanet.com/english/2007-11/30/content_7177783.htm.

[290] Human Rights Watch, "Sex Workers at Risk: Condoms as Evidence of Prostitution in Four US Cities," July 2012.

[291] *Public Security Administration Punishments Law of the People's Republic of China*(中华人民共和国治安管理处罚法) Art. 66 (promulgated by the Standing Comm. Nat'l People's Cong., Aug. 28, 2005, effected Mar. 1, 2006).

up to 20,000 yuan (3,265 USD).[292] Official guidelines caution against the imposition of fines instead of incarceration.[293] In addition to ideological concerns about inequality, as fines allow the wealthy to avoid punishment, such sanctions are thought to serve less of a deterrent effect, thus not furthering the goal of reducing the overall occurrence of prostitution. Yet in practice, fines are a prevalent form of sanctioning sex industry actors, as they provide a source of income for local law enforcement institutions that generally struggle with budgetary shortfalls.[294] While the national government provides the budget for the national police headquarters (the MPS), local police departments depend upon the local government for their funding. This system of local department dependence upon both the local government and higher administrative units in the same department is often referred to as the "vertical/horizontal" (*tiao/kuai*—条块) dynamic. In practice, this results in a system in which local police stations are underfunded, and rely on fines to generate sufficient income.[295] In some places, the formal budget may cover as little as one-fifth of the total operating costs of the station, with more than half of the actual salaries of police officers depending upon fines.[296] As a result of this budgetary shortfall, individual police officers are sometimes required to generate a certain amount of income in fines per month.[297] The actual amount varies. In 2004 in one mid-sized city in Central China, one police officer had to collect 50,000 yuan (6000 USD) in fines annually.[298] Others report a monthly target of 3,000 yuan (350 USD) per officer, double their salary, with a 200 yuan (25 USD) fine for failing to meet the quota.

This system creates incentives for the police to privilege fines over other types of sanctions. In response to growing concerns around this issue, a new system was put into place starting in the mid-1990s that aims to separate income from expenditures (*shouzhi liangtiaoxian*—收支两条线), and no longer makes the police responsible for generating their own revenue.[299] In theory, this forbids police stations and individual officers from directly collecting fines. Instead, payment is made directly to the local government, which then returns a proportion to the police. This system also aims to ensure that the local government is providing a sufficient budget for law enforcement, thus reducing the need for the police to generate their own income. By many accounts, this system is

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[292] *Yule Changsuo Guanli Tiaoli* (娱乐场所管理条例) [Measures for the Administration of Entertainment Venues] Art. 42 (promulgated by the St. Coun., Jan. 18, 2006, effected Mar. 6, 2006).
[293] Biddulph, *Legal Reform and Administrative Detention Powers in China*, 174.
[294] Ibid., 174–176.
[295] Hualing Fu and P Choy, "Policing for Profit: Fiscal Crisis and Institutionalized Corruption of Chinese Police," in *Policing, Security and Corruption* (USA: Office of Intl Criminal Justice, 2004), 538; Hualing Fu and D.W. Choy, "Administrative Detention of Prostitutes: The Legal Aspects," in *Gender Policy and HIV in China*, vol. 22, The Springer Series on Demographic Methods and Population Analysis (Springer Netherlands, 2009), 192–193; Kam C. Wong, *Police Reform in China* (Boca Raton, FL: CRC Press, 2012), 254, 261.
[296] Fu and Choy, "Policing for Profit: Fiscal Crisis and Institutionalized Corruption of Chinese Police," 538; Fu and Choy, "Administrative Detention of Prostitutes: The Legal Aspects," 192.
[297] Fu and Choy, "Policing for Profit: Fiscal Crisis and Institutionalized Corruption of Chinese Police," 541–542.
[298] Jun Zhao, "中国'卖淫法' 经济成本经验研究"［Zhongguo 'Maiyin Fa' Jingji Chengben Jingyan Yanjiu--Empirical Research on the Economic Cost of China's Prostitution Laws]," n.d., 16.
[299] Wong, *Police Reform in China*, 325.

applied inconsistently, such that reliance on fines continues to shape police enforcement decisions around prostitution throughout China.[300]

Prostitution is an obvious target for police officers seeking to raise money through fines. Along with gambling and traffic violations, it provides most of the income for police having to generate their own sources of revenue.[301] Gambling is easier and less costly to investigate. Yet it is so much a part of daily life (particularly mahjong and card games), and so completely devoid of the stigma associated with prostitution, that systematically fining it, in the words of one police officer, "would make the masses dissatisfied (会让群众不满)."[302] Prostitution presents certain advantages as a focus for law enforcement. Its prevalence throughout China makes it extremely easy to detect. Each arrest doubles the amount of the fine, as both the sex worker and the client are charged separately. The police encounter limited resistance from either party when they make a prostitution charge. They may not always have sufficient evidence to prove that prostitution has in fact occurred, as they do not always witness the actual exchange of money or other material goods in exchange for the promise of sexual acts. Yet guilty parties are unlikely to officially contest the imposition of a fine, even if the police are violating official procedures for prostitution arrests.[303] Sex workers and clients generally prefer dealing with such situations as discretely as possible, and shielding themselves from the possible personal and professional consequences of being accused of selling or buying sex.

Detention and Incarceration

Sex workers and clients may be subject to administrative detention (*xingzheng juliu—行政拘留*) for a period of five to 15 days.[304] They may also be detained in custody and education institutions (*shourong jiaoyu—收容教育*) for six months to two years.[305] Up until 2013, when the NPC voted to abolish the system, they could also be

[300] Fu and Choy, "Policing for Profit: Fiscal Crisis and Institutionalized Corruption of Chinese Police," 543.
[301] Zhao, "中国‘卖淫法’经济成本经验研究［Zhongguo 'Maiyin Fa' Jingji Chengben Jingyan Yanjiu--Empirical Research on the Economic Cost of China's Prostitution Laws]," 5; Fu and Choy, "Policing for Profit: Fiscal Crisis and Institutionalized Corruption of Chinese Police," 541.
[302] Zhao, "中国‘卖淫法’经济成本经验研究 ［Zhongguo 'Maiyin Fa' Jingji Chengben Jingyan Yanjiu--Empirical Research on the Economic Cost of China's Prostitution Laws]," 6.
[303] Zhao, himself a former police officer, actually provides a counterexample of a client successfully pushing back against wrongful police conduct. In 2004, new regulations in the city where he was conducting his research forbade the police from investigating prostitution cases outside of their jurisdiction. When a group of law enforcement officers started arresting clients in such a manner, one client refused to abide by their demands, specifically noting that they were forbidden from crossing over to another jurisdiction. A scuffle ensued, after which the police recognized that they were in the wrong and dropped their efforts to arrest the clients. Zhao Jun 赵军, "Falu Jingji Chengban Zhi Shizheng Fenxi--Yi 'Maiyin Fa' Weili 法律经济成本之实证分析--以‘卖淫法’为例 [Empirical Research on the Economic Cost of China's Prostitution Laws]," *Jiangxi Gongan Zhuanke Xuexiao Xuebao 江西公安专科学校学报* 1 (2006): 16.
[304] *Public Security Administration Punishments Law of the People's Republic of China,* Art. 66.
[305] *Maiyin Piaochang Renyuan Shourong Jiaoyu Banfa* (卖淫嫖娼人员收容教育办法) [Measures for Custody and Education for Those Involved in Prostitution] Art. 9 (promulgated by the St. Coun., Sept. 3, 1993, effected Sept. 3, 1993).

incarcerated for up to three years in re-education through labor camps (RETL) (*laodong jiaoyang—劳动教养*).[306] The formal abolition of RETL has not actually eliminated this type of incarceration experience: unofficial detention centers have since cropped up, some former RETL centers continue to operate under a different name, and activists have reported an increase in criminal detention (*xingshi juliu--刑事拘留*) for individuals who would previously have been sent to RETL.[307]

Administrative Detention

Sex workers and clients can be detained for up to 15 days in administrative jails (*juliusuo—拘留所*), which hold individuals who have violated the *Security Administrative Punishments Law*, and are governed by the 2012 *Detention Center Measures.*[308]

Custody and Education Centers

Custody and education centers are longer-term prostitution incarceration institutions. They first emerged for sex workers in China in the late 1940s, as part of the PRC's campaign to rid the country of prostitution. Sex workers incarcerated in these centers were treated for sexually transmitted diseases (STDs), and given professional and moral training.[309] Upon release, they were frequently placed in the custody of families or resident committees who were responsible for reintegrating them into society.[310] These centers continued to operate until the late 1950s, when prostitution was declared officially eradicated from the country.[311] When prostitution became more prominent

[306] Quanguo Renmin Daibiao Dahui Changwu Weiyuanhui Guanyu Yanjin Maiyin Piaochang De Jueding (全国人民代表大会常务委员会关于严禁卖淫嫖娼的决定) [Decisions on the Prohibition of Prostitution from Standing Committee of the National People's Congress] (promulgated by the St. Coun., Sept. 4, 1991, effected Sept. 4, 1991). Fu and Choy, "Administrative Detention of Prostitutes: The Legal Aspects," 191; Jeffreys, *China, Sex and Prostitution*, 140.

[307] Verna Yu, "How China Is Using Criminal Detention in Place of Re-Education Through Labour," *South China Morning Post*, April 21, 2014; Amnesty International, "China's 'Re-Education Through Labour' Camps: Replacing One System of Repression with Another?," December 17, 2013, http://www.amnesty.org/en/news/china-s-re-education-through-labour-camps-replacing-one-system-repression-another-2013-12-17; Agence France Presse, "China Province Admits Unlawful Detention Centres," February 14, 2014.

[308] These institutions are distinct from criminal detention centers (*kanshuosuo—看守所*), where individuals who are being investigated or prosecuted for violating the Criminal Law are held. *Juliu Suo Tiaoli* (拘留所条例) [Regulation on Detention Facilities] (promulgated by the St. Coun., Feb. 15, 2012, effected Apr. 1, 2012). "Dui Hua Human Rights Journal: Is Detention Center Law Enough to Prevent Police Abuse?," accessed September 17, 2014, http://www.duihuahrjournal.org/2014/07/is-detention-center-law-enough-to.html; "Dui Hua Human Rights Journal: Detention House Rules Can't Accommodate Oversight," accessed September 17, 2014, http://www.duihuahrjournal.org/2012/03/detention-house-rules-cant-accommodate.html.

[309] Biddulph, *Legal Reform and Administrative Detention Powers in China*, 75; Gail Hershatter, *Dangerous Pleasures: Prostitution and Modernity in Twentieth-Century Shanghai* (Berkeley: University of California Press, 1997), 310; Christian Henriot, *Prostitution and Sexuality in Shanghai: A Social History 1849-1949* (Cambridge UK; New York: Cambridge University Press, 2001), 482.

[310] Biddulph, *Legal Reform and Administrative Detention Powers in China*, 75.

[311] Ibid., 74.

after 1979, authorities re-established the custody and education (C&E) institutions that had been credited with ridding China of prostitution in the 1950s. These efforts began as local experiments in prostitution enforcement. The first such institution was established in 1984 in Shanghai, and the cities of Beijing, Wuhan, Dalian and Xian soon followed.[312] Establishing these centers nationwide, for both sex workers and clients, became integral to the central government's efforts to develop comprehensive anti-prostitution measures in the 1990s.

Today's custody and education institutions aim to produce "law-abiding citizens who are of sound body and mind."[313] They are tasked to achieve this goal by carrying out the following three activities with inmates: providing them with legal and moral education, having them engage in "productive labor" (*shengchan laodong—生产劳动*), and testing and treating them for STDs.[314] Detailed measures outline conditions in the centers, as well as responsibilities and appropriate behavior for sex workers, clients, and guards.[315] Inmate activities should include at least 10 hours of class a week, as well as "rich and varied recreational and sports activities" (*fengfuduocai de wenti huodong—*丰富多彩的文体活动).[316] Inmates, or their families, must pay for their own living expenses.[317] The amount is set based on local conditions.[318] In one C&E center, sex workers were charged a monthly fee of 200 yuan (33 USD), in addition to a one-time payment of 700 yuan (115 USD) for required items such as bedding.[319] Income earned through work performed is used to improve conditions in the center, though inmates may also be paid directly for their labor.[320] Guards are prohibited from mistreating inmates. Beatings, corporal punishment, insults, humiliation, and other abuse are all forbidden.[321] As low-tier sex workers are the individuals most likely to be imprisoned in custody and education centers, Chapter Four examines the actual experience of incarceration in these institutions in greater detail.

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[312] Wang Xing 王星, "Shoujiao Sanshi Nian 收教三十年 [Detention Education for 30 Years]," *Southern Metropolis Daily 南方都市报*, July 2, 2014, http://news.ifeng.com/a/20140702/40979790_0.shtml.

[313] *Shourong Jiaoyu Suo Guanli Banfa* (收容教育所管理办法) [Measures for the Administration of the Custody and Education Centers] Art. 3 (promulgated by the Min. of Public Security, Apr. 24, 2000, effected Apr. 24, 2000).

[314] *Measures for Custody and Education for Those Involved in Prostitution*, Art. 2.

[315] *Measures for Custody and Education for Those Involved in Prostitution*. *Shourong Jiaoyu Suo Dengji Pingding Banfa* (收容教育所等级评定办法) [Measures for Grading the Level of Custody and Education Centers] (promulgated by the Min. of Public Security, Nov. 27, 2000, effected Nov. 27, 2000). *Measures for the Administration of the Custody and Education Centers*.

[316] *Measures for the Administration of the Custody and Education Centers*, Art. 33. *Measures for Grading the Level of Custody and Education Centers*, Art. 13.

[317] *Measures for Custody and Education for Those Involved in Prostitution*, Art. 14. While the national measures place the burden of fees on inmates, at least one province—Jiangsu—reportedly abolished this policy in 2014. The government currently covers the costs of room and board, medication, and STD testing. Wang Xing 王星, "Shoujiao Sanshi Nian 收教三十年 [Detention Education for 30 Years]."

[318] *Measures for the Administration of the Custody and Education Centers*, Art. 39.

[319] Asia Catalyst, *"Custody and Education": Arbitrary Detention for Female Sex Workers in China*, December 2013, 29–30.

[320] *Measures for Custody and Education for Those Involved in Prostitution*, Art. 13.

[321] *Measures for Grading the Level of Custody and Education Centers,* Art. 11.

Following a steady increase throughout the 1990s, custody and education centers currently appear to be on the decline. In 1992, there were 111 such institutions nationwide The number rose to 150 in 1995, 160 in 1996, 183 in 1999, and over 200 in 2005.[322] In 2014, official estimates from the Ministry of Public Security ranged from 90 to 116.[323] Interestingly, this most recent data comes from requests through China's 2008 Open Government Information (OGI) reform, which requires a vast number of agencies at all levels of government to respond to information-disclosure requests from the public.[324] Lawyer Zhao Yunheng's OGI request yielded the 116 count from the national-level MPS. The lower boundary of 90 institutions resulted from a separate inquiry, in which the newspaper *Southern Metropolis Daily* contacted each provincial-level public security agency in China with OGI requests, and reporters followed up with visits to those provincial agencies that did not respond.[325] Informants who work within the custody and education system corroborate these most recent numbers: in 2009, the former head of a C&E center in Shanghai estimated that about 100 such institutions were currently in operation.[326]

The number of individuals incarcerated in these institutions also appears to be declining. According to official data, C&E institutions housed 20,000 individuals in 1992, 40,000 in 1999, and 28,000 in 2002.[327] Law enforcement officials in several provinces currently report a couple dozen individuals incarcerated in a given institution.[328] Accurate data from the Shanghai women's center substantiates these official data. When it opened in 1984, the institution housed 86 sex workers, and the numbers increased steadily until 1998, when the population reached a peak of about 1,900 in a space intended for no more than 1,800 women. That number began shrinking in 2002, and in 2009, the Shanghai women's C&E housed about 100 women.[329]

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[322] Biddulph, *Legal Reform and Administrative Detention Powers in China*, 165; Wang Xing 王星, "Shoujiao Sanshi Nian 收教三十年 [Detention Education for 30 Years]."

[323] "Dui Hua Human Rights Journal: MPS: China Has 116 Custody and Education Centers Nationwide," accessed September 8, 2014, http://www.duihuahrjournal.org/2014/09/mps-china-has-116-custody-and-education.html.

[324] Greg Distelhorst, *The Power of Empty Promises: Quasidemocratic Institutions and Activism in China*, SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, September 4, 2014).

[325] Wang Xing 王星, "Shoujiao Sanshi Nian 收教三十年 [Detention Education for 30 Years]."

[326] Interview 69, April 18, 2009.

[327] Wang Xing 王星, "Shoujiao Sanshi Nian 收教三十年 [Detention Education for 30 Years]"; Wei Zhan, "Zhongguo Dui Maiyin Piaochang Renyuan Shourong Jiaoyu Zhidu De Yanjiu Baogao 中国对卖淫嫖娼人员收容教育制度的研究报告 [A Study on China's Custody and Education System for Prostitutes]," in *Xianzhi Dui Renshen Ziyou De Xianzhi--Zhongguo Xingzhengxing Xianzhi Renshen Ziyou Falu Chufen De Fazhi Jianshe 限制对人身自由的限制--中国行政性限制人身自由法律处分的法治建设 [To Refrain From the Restrictions of Personal Freedom]*, ed. Guo Jianan 郭建安 and Zheng Xiaze 郑霞泽 (Beijing: China Law Press, 2005), 416–66; Asia Catalyst, *"Custody and Education": Arbitrary Detention for Female Sex Workers in China*, 19.

[328] Wang Xing 王星, "Shoujiao Sanshi Nian 收教三十年 [Detention Education for 30 Years]."

[329] Interview 70, April 18, 2009.

Calls for the abolition of C&E are gaining increasing prominence in China.[330] Legal arguments opposing the system underscore the absence of due process that occurs through C&E measures that allow the police to bypass the legal system when incarcerating individuals, as they deprive them of their personal freedom without any oversight by the procuratorate or the courts.[331] C&E critics highlight Article 37 of the Constitution, which states that citizens shall only be deprived of their freedom "pursuant to statute and legal process," Article 8 of the Legislation Law, which notes that restrictions on freedom "shall only be governed by law," and Article 10 of the Administrative Penalty Law, which does not allow for punishments through administrative rules and regulations that restrict "freedom of the person."[332] Recent public debate on the issue took the form of a petition delivered to the National People's Congress in May 2014 that over 100 legal experts, scholars and officials had endorsed. Signatories included Guo Daohui, who was deputy director of the research center for the NPC's Legislative Affairs Work Committee; Du Guang, former librarian of the Central Party School; Cao Haiqing, at the Central Institute for Correctional Police; and Wang Ying, an elite Chinese businesswoman.[333] One month later, the front page of the *Procuratorate Daily*, which is the official newspaper of the Supreme People's Procuratorate, published an article entitled "What is the Legal Basis for 'Custody and Education'?"[334] Leaked censorship directives quickly forbade other media outlets from republishing the article.[335] While others have also published critiques of the C&E system, this article may have caught censors' attention for concluding with a call to not only abolish C&E, but more generally to create a mechanism for constitutional review that would provide citizens with more systematic and effective ways of challenging the constitutionality of various laws.[336]

As noted above with RETL, these discussions about abolishing C&E do not signal the end of sex worker and client incarceration. In addition, the decrease in C&E incarceration numbers does not mean that overall, fewer women and men are being

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[330] "Dui Hua Human Rights Journal: Detained Actor Spotlights Custody and Education, Censors Intervene," accessed September 8, 2014, http://www.duihuahrjournal.org/2014/06/detained-actor-spotlights-custody-and.html.

[331] The Supreme People's Procuratorate (最高人民检察院) is the agency responsible for investigating and prosecuting crimes, and is a feature of civil law systems.

[332] *Constitution of the People's Republic of China* (中华人民共和国宪法) (promulgated by the Standing Comm. Nat'l People's Cong., Dec. 4, 1982, effected Dec. 4, 1986). *Legislation Law of the People's Republic of China* (中华人民共和国立法法) (promulgated by the Standing Comm. Nat'l People's Cong., Mar. 15, 2000, effected July 1, 2000). *Administrative Penalty Law of the People's Republic of China* (中华人民共和国行政处罚法) (promulgated by the Standing Comm. Nat'l People's Cong., Mar. 17, 1996, effected Oct. 1, 1996).

[333] Didi Kirsten Tatlow, "Petition Seeks Closure of Extrajudicial Detention Centers," *Sinosphere Blog*, May 5, 2014.

[334] Xiao Rong 肖榮, "'Shourong Jiaoyu' Falu Yiju Hezai? '收容教育'法律依据何在? [What Is the Legal Basis for 'Custody and Education'?]," *Procuratorate Daily 检察日报*, June 4, 2014, sec. 01, http://newspaper.jcrb.com/html/2014-06/04/node_2.htm.

[335] China Digital Times (CDT), "Minitrue: Legal Basis for Custody and Education," *China Digital Times (CDT)*, June 6, 2014, http://chinadigitaltimes.net/2014/06/minitrue-legal-basis-custody-education/.

[336] "Dui Hua Human Rights Journal: Detained Actor Spotlights Custody and Education, Censors Intervene."

institutionalized for prostitution. Instead, these happenings signal the de facto (and, if officially abolished, de jure) end to a comprehensive system whose original intent was overwhelmingly rehabilitative, rather than punitive. As described in detail in Chapter Five, those C&E centers that remain provide only a weak skeleton of the services laid out in the regulations that govern them, and are not achieving their intended reformatory goals. Some C&E institutions are physically merged with non-specialized detention centers (*juliusuo—拘留所* and *kanshousuo—*看守所), such that one center carries both institutional labels, and sex workers and clients are treated as regular detainees.[337] In other cases, sex workers and clients are simply sent to regular detention centers. Sex workers themselves often do not distinguish between different types of institutions. Instead, they use the terms *juliu*, *shourong*, and *laojiao* interchangeably to refer to an incarceration experience, without necessarily knowing the official type of institution in which they have been kept. Rather than indicating sex worker ignorance of their interactions with law enforcement, this linguistic fluidity highlights instead the actual blurring of institutional boundaries that occurs when sex workers are incarcerated.

Re-education Through Labor

According to the 1991 *Prostitution Decision,* sex workers or clients who are recidivists can be sentenced to up to three years of re-education through labor. Although RETL was abolished in 2013, it was still in place when I conducted the fieldwork for this project. The institution thus occasionally crops up in the pages that follow as affecting the lives of sex workers and clients. RETL has been the subject of much research, analysis, and critique over the past decades. As relates to sex workers and clients, their experiences in such institutions would be similar to the ways in which C&E operates in practice.

Criminal Sanctions for Sex Workers and Clients

Criminal law sanctions apply to sex workers and clients in two situations. It is a crime for them to sell or buy sex with knowledge that they have a serious sexually transmitted disease, for which they can be fined and sentenced to public surveillance, detention, or imprisonment for up to five years.[338] A client who purchases sex from a girl under the age of 14 can be fined and imprisoned for at least five years.[339]

Punishing Pimps, Madams, and Sex Traffickers

Individuals who organize, force, induce, shelter, or introduce someone into prostitution are subject to criminal law. Their property can be confiscated, and they can be fined, sentenced to public surveillance, and imprisoned for periods ranging from a few

[337] Wang Xing 王星, "Shoujiao Sanshi Nian 收教三十年 [Detention Education for 30 Years]."
[338] *Criminal Law of the People's Republic of China* (中华人民共和国刑法) Art. 360 (promulgated by the Standing Comm. Nat'l People's Cong., Mar. 14, 1997, effected Oct. 1, 1997). Such STDs would include syphilis, gonorrhea, and HIV/AIDS.
[339] Ibid, Art. 360.

years to life.[340] In particularly serious cases, they may be sentenced to death.[341] Official data on the prosecution of pimps and madams is unavailable. Chinese media reports suggest the death penalty in this context is applied rarely, only in particularly egregious instances involving either children or large numbers of women.[342]

Tactics for Policing Prostitution: Campaign-Style Policing and Public Shaming

In addition to the sanctions specifically outlined in China's anti-prostitution regulations, two other policing tactics also shape law enforcement interventions in this area: campaign-style policing, and public shaming.

Campaign-Style Policing: Strike Hard and Anti-Vice Campaigns

Campaign-style policing is a key crime control tactic in contemporary China, during which government agencies cooperate over a given time period to target crime in an intensified manner, through severe and swift (*congzhong congkuai—从重从快*) punishment.[343] In contrast to the regular criminal justice process, campaigns require heavy punishment for the targeted populations.[344] Some of these are broad Strike Hard campaigns that focus on a wide range of issues. Others focus on a specific type of crime. These campaigns can last for periods ranging from a few months to several years, and they can be launched at both the national and local level.[345]

Prostitution has been targeted during both Strike Hard and specialized campaigns. It is the object of "sweep away the yellow" campaigns (*saohuang——扫黄*), where the color yellow refers to the sex industry, including pornography and prostitution. It is also the focus of campaigns against the "Six Evils," (*liuhai—六害*), a category of acts deemed to undermine socialism and national stability that was created in the wake of Tiananmen in 1989.[346] The other five evils are gambling, pornography, drugs, the sale of women and children, and profiteering from superstition.[347]

Campaigns have been a constant feature of law enforcement practices in the PRC. Since the first national Strike Hard campaign started in 1983, the central government has implemented dozens of generic and specialized campaigns.[348] Provincial and local authorities have initiated countless more such events.[349] National-level campaigns that

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[340] Ibid, Arts. 358-359.
[341] Ibid, Art. 358.
[342] One such execution occurred in Chongqing in 2011 under Bo Xilai, the former politician who waged an intense battle against corruption and organized crime in the city. BBC News, "China Executes 'Gangland Madam,'" *BBC News*, December 7, 2011.
[343] Susan Trevaskes, *Policing Serious Crime in China: From "Strike Hard" to "Kill Fewer"* (London: Routledge, 2010), 2.
[344] Ibid., 69.
[345] Ibid., 2.
[346] Biddulph, *Legal Reform and Administrative Detention Powers in China*, 136–137.
[347] Ibid., 137.
[348] Trevaskes, *Policing Serious Crime in China*, 43.
[349] Ibid., 18, 28, 29, 31, 34–36.

included a focus on prostitution have occurred in the following years: 1983-86; 1987; 1989; 1990; 1991; 1993; 1996; 2000; 2001; 2001-2003; and 2010.[350] Local interventions also include prostitution on a regular basis.[351] Campaigns are not exceptional events. Instead, they are a routine part of the sex industry's interactions with the state, and Chapters Four and Five will elaborate upon their effects. They are also a tactic that is being re-examined in the twenty-first century, with officials at all levels of government questioning their efficacy.[352] Since 2003, the Party has called upon campaigns to be embedded and regularized into an overall strategy that emphasizes a more professional crime prevention approach to policing.[353]

Public Shaming

Sex workers and clients find themselves subject to shame parades (*youjie shizhong—游街示众*) and other practices designed to publicly humiliate them and deter others from following in their footsteps. Such shaming accompanies campaign-style policing of prostitution through public sentencing rallies, and also occurs independently of such events.

One particularly prominent public sentencing event occurred in Shenzhen in 2006. The police arrested over 100 sex workers and clients, and paraded them down the city streets dressed in bright yellow shirts. Law enforcement officers announced individual names, birthdates, and hometowns through a loudspeaker, and publicly sentenced them to 15 days of administrative detention.[354] In 2010, the police led handcuffed sex workers in the southern city of Dongguan down the crowded city streets, roped together and barefoot, and publicized their identity.[355] In Zhengzhou, the police took photos of naked sex workers during arrest, and then released the images on the internet, along with the names of these women.[356] In Wuhan, the local police posted notices throughout the city with the names of sex workers and clients who had been arrested for prostitution.[357] In Hangzhou,

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[350] Ibid., 18, 32, 35, 36, 43; Biddulph, *Legal Reform and Administrative Detention Powers in China*, 157–164; Congressional-Executive Commission on China, "Ministry of Public Security Launches Seven-Month Nationwide 'Strike Hard' Campaign," August 11, 2010, http://www.cecc.gov/publications/commission-analysis/ministry-of-public-security-launches-seven-month-nationwide-strike.

[351] Trevaskes, *Policing Serious Crime in China*, 28, 34–36.

[352] Biddulph, *Legal Reform and Administrative Detention Powers in China*, 141–143; Trevaskes, *Policing Serious Crime in China*, 18–19.

[353] Trevaskes, *Policing Serious Crime in China*, 19.

[354] Jonathan Watts, "Outrage at Chinese Prostitutes' Shame Parade," *The Guardian*, December 6, 2006.

[355] Andrew Jacobs, "China Seeks End to Public Shaming of Suspects," *The New York Times*, July 27, 2010; Tan Zhihong 谭志红, "Guangdong Dongguan Jingfang Shengqian Maiyinnu Youjie Re Zhengyi 广东东莞警方绳牵卖淫女游街惹争议 [Controversy over Police from Dongguan, Guangdong Parading Prostitutes through the Streets on a Leash]," *Hongwang 红网*, July 18, 2010, http://china.rednet.cn/c/2010/07/18/2011536.htm.

[356] Tan Zhihong 谭志红, "Guangdong Dongguan Jingfang Shengqian Maiyinnu Youjie Re Zhengyi 广东东莞警方绳牵卖淫女游街惹争议 [Controversy over Police from Dongguan, Guangdong Parading Prostitutes through the Streets on a Leash]."

[357] Wang Xinzi 王欣子, "Wuhan Jingfang Jietou Tie Gaoshi Shiming Puguang Maiyin Piaochang Renyuan 武汉警方街头贴告示实名曝光卖淫嫖娼人员 [Wuhan Police Post Official Notices on the Street

the police sent letters to the families of women in one neighborhood who were suspected of selling sex, unbeknownst to the women.[358] In July 2010, in the aftermath of these widely publicized public shaming incidents, the MPS issued a notice calling for an end to prostitution shame parades.[359] They have issued similar notices in the past, namely in 1951, 1984, 1986, 1988, and 2007.[360] As of May 2015, the media had not reported any new large-scale, public prostitution shaming incidents.

Public shaming as a prostitution deterrence tactic is not restricted to China or other authoritarian governments with weak rule of law. That said, in other environments it tends to focus on shaming clients rather than sex workers. Naming and shaming clients lies at the heart of anti-prostitution policies in England and Wales.[361] In dozens of locations in the United States, men arrested for soliciting prostitution attend "john schools," where they complete a course focused on the consequences of solicitation.[362] Such programs have also been set up in the United Kingdom and Canada.[363] Some cities in the United States also publicly share names and photos of suspected clients in newspapers, on television, on billboards and online.[364]

Frequency of Interactions with Law Enforcement

This discussion of the various punishments to which sex workers and clients can be subject begs the question of frequency: how often does law enforcement actually sanction this population? The MPS provides an official answer to this question through its annual reporting on the total number of prostitution cases that it accepts and investigates nationwide. That data is reproduced below for the years 1997 to 2013. These official numbers include both the selling and purchase of sex, with two cases counted if both a sex worker and a client are arrested. These numbers tell an official

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Revealing the Names of Individuals Who Engage in Prostitution]," *Changjiang Shangbao 长江商报*, July 17, 2010, http://news.163.com/10/0717/02/6BOU3MNS00011229.html.

[358] Li Yuanfang 李云芳, "Hangzhou Yi Paichusuo Saohuang Xiang 'Falangnu' Jiashu Fa Gaozhixin 杭州一派出所扫黄向'发廊女'家属发告知信 [A Police Station in Hangzhou Cracks Down on Prostitution by Notifying Families of Women Who Work in Hair Salons]," *Sichuan Zaixian 四川在线*, September 6, 2010, http://news.163.com/10/0906/06/6FSKSU6O00011229.html.

[359] Andrew Jacobs, "China Pushes to End to Public Shaming," *The New York Times*, July 27, 2010; The New York Times, "Why Shaming Has Lost Power in China: Introduction," *The New York Times*, July 31, 2010; Li Hong Xun 李红汛 and Yin Yi 尹伊, "Gonganbu Fa Tongzhi Piping Dui Maiyin Piaochang Renyuan Youjie Shizhong 公安部发通知批评对卖淫嫖娼人员游街示众 [Notice from the Ministry of Public Security: Critics on Letting Those Who Involved Prostitution Parading through the Streets]," *Dahe Bao 大河报*, July 26, 2010, http://news.china.com/zh_cn/domestic/945/20100726/16042470.html.

[360] Dui Hua Foundation, "Dui Hua Human Rights Journal: Translation: 'Perp Walks' for Petty Thieves Should Cease," July 29, 2010, http://www.duihuahrjournal.org/2010/07/translation-perp-walks-for-petty.html; Flora Sapio, "Perp Parades," *Forgotten Archipelago*, July 26, 2010, http://florasapio.blogspot.com/search/label/prostitution.

[361] Jane Scoular and Maggie O'Neill, "Legal Incursions into Supply/Demand: Criminalising and Responsibilising the Buyers and Sellers of Sex in the UK," in *Demanding Sex: Critical Reflections on the Regulation of Prostitution*, ed. Vanessa Munro and Marina Della Giusta (Ashgate, 2008), 17.

[362] Michael Shively et al., *Final Report on the Evaluation of the First Offender Prostitution Program*, March 7, 2008.

[363] Ibid., 116.

[364] Associated Press, "Cities Shame Johns to Fight Prostitution," *SFGate*, October 14, 2012.

story wherein, over the past two decades, the annual number of prostitution cases has decreased from around 200,000 to below 100,000.

Year	Number of Cases Filed/Accepted (受理)	Number of Cases Investigated and Prosecuted (查处)
2013	84,375	83,891
2012	94,938	94,306
2011	96,162	95,294
2010	103,215	102,407
2009	126,140	125,175
2008	87,525	86,590
2007	95,338	94,687
2006	105,724	104,474
2005	143,995	142,746
2004	142,633	141,123
2003	172,314	171,604
2002	224,976	221,930
2001	242,053	239,461
2000	225,693	222,132
1999	216,660	215,128
1998	189,972	189,452
1997	210,390	209,244

Table 3.1. Annual Number of Cases of Prostitution, 1997-2013[365]

This data does not represent the number of prostitution cases that are actually accepted and investigated annually throughout China. Official statistics from the Chinese government are rarely an accurate reflection of reality. Instead, these prostitution statistics are best understood as indicative of how some government agencies choose to portray the number of prostitution cases they are encountering.[366] Even if this official data were accurate, it would not make sense to compare it to the ubiquity of prostitution and conclude that the probability of police interference is low. As detailed in subsequent chapters, the police interact with sex workers in a variety of ways that would not be included in a statistic on filing and investigating a prostitution case.

Other than the China Statistical Yearbooks, the only quantitative data on frequency of various prostitution law enforcement practices of which I am aware comes from the surveys of sex workers and police officers that I carried out. I elaborate on the tier-based aspects of these survey results in Chapters Four through Seven. Overall, about

[365] Data is from the China Statistical Yearbook, Offense Cases Against Public Order Handled by Public Security Organs. This category includes both the selling and purchase of sex (卖淫, 嫖娼). These yearbooks include English-language translations of the various categories of data. Starting in 2007, the yearbooks translate this category as "Prostitution or Soliciting Prostitutes." Prior years used a much more comically jarring translation: "Prostitution or Going Whoring."

[366] In deciding what data to report for prostitution cases, bureaucrats need to play a delicate balancing act. On the one hand, they need to show that they are actively enforcing anti-prostitution laws. This concern would have a tendency to drive reported numbers up. On the other hand, they do not want to appear to have a lot of prostitution. This issue would instead drive those case numbers down. These conflicting pressures lead to a Goldilocks principle guiding the decision-making process behind data reporting that needs to produce numbers that are "just right" rather than too large or too small.

five percent of the sex workers who participated in the survey (31 respondents out of 568) reported having been arrested.[367]

China's Prostitution Health Policies

China's concern with HIV/AIDS drives a second type of state prostitution interventions: health policies. Within populations of sex workers and occasionally clients, the state monitors rates of HIV/AIDS and other STDs, collects data on sexual behavior, and also carries out various programs designed to reduce the spread of HIV/AIDS. China's Center for Disease Control (CDC) is primarily responsible for carrying out these activities, some of which also involve others within the National Health and Family Planning Commission.[368]

Emergence of HIV/AIDS in China

Prostitution health policies emerged in the mid-1980s, as the state confronted its AIDS epidemic. One strand of the epidemic originated in communities of drug users in northwest and southwest China.[369] A second strand was tied to a blood contamination scandal in rural China where local governments seeking to enrich themselves through the business of blood product manufacturing encouraged inhabitants to sell their blood.[370] This strand emerged through the use of inadequate blood donation health procedures. Following these origins, HIV/AIDS has been expanding from high-risk groups to the population at large through sex workers, clients, and their other sexual partners, such that heterosexual transmission is now considered the main way in which the virus is spreading.[371]

AIDS is an extremely sensitive issue in China. It requires the state to wrestle with the presence of drug use, prostitution, and homosexuality in society. The blood donor incident underscores government corruption and incompetence that resulted in the infection of hundreds of thousands of citizens.[372] As a result of this sensitivity, the government tightly controlled and restricted all discussion and activity pertaining to AIDS when the magnitude of the epidemic surfaced in the 1990s.[373] Only starting in

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[367] They are all convenience samples, which limits generalization possibilities.
[368] When I was conducting fieldwork for this project, the China CDC was a government-affiliated organization that took direction from the Ministry of Health (MOH). A separate National Population and Family Planning Commission (NPFPC) also conducted sex worker outreach programs. In 2013, the MOH and the NPFPC merged to become the National Health and Family Planning Commission (NPFPC).
[369] Fengshi Wu, "Double-Mobilization: Transnational Advocacy Networks for China's Environment and Public Health" (University of Maryland, College Park, 2005), 204.
[370] Ibid., 206–207.
[371] Joan Kaufman, Kleinman, Arthur, and Tony Saich, "Introduction: Social Policy and HIV/AIDS in China," in *AIDS and Social Policy in China* (Cambridge, MA: Harvard University Asia Center, 2006), 6; Yan Hong and Xiaoming Li, "Behavioral Studies of Female Sex Workers in China: A Literature Review and Recommendation for Future Research," *AIDS and Behavior* 12, no. 4 (July 2008): 623.
[372] Human Rights Watch, *Locked Doors: The Human Rights of People Living with HIV/AIDS in China*, September 3, 2003, 60.
[373] Wu, "Double-Mobilization," 202.

2001 did the central government begin to openly acknowledge the extent of the country's AIDS crisis.[374]

According to government data, about 780,000 people were living with HIV/AIDS in China in 2011.[375] This amounts to approximately .06% of the population. The number of new infections continues to increase, with 10,742 new cases in 2007, 34,188 in 2010, and 39,183 new ones in 2011.[376] To put these numbers in context, just over 1 million people in the United States are living with HIV.[377] In South Africa, 19.1% of the population (over 6 million people) is living with HIV.[378] China thus remains a low prevalence country. As pertains specifically to sex workers, official estimates place their infection rate at less than 1% in most provinces, with higher percentages in Yunnan, Xinjiang, Guangxi, Sichuan, and Guizhou.[379] These government data are considered to underestimate the actual prevalence of HIV/AIDS, as will be discussed with respect to sex workers in Chapters Four through Six.

Sentinel Surveillance

Despite this sensitivity and delayed public recognition of the epidemic, the state has been carrying out interventions within the sex industry since the mid-1980s. Starting in 1985, China developed an HIV/AIDS case reporting system. This was mainly a passive system, in which doctors were required to register all diagnosed cases of the disease. That said, it also involved some active testing of female sex workers, especially those with foreign clients, or living in provinces with greater reported numbers of HIV/AIDS cases.[380] In 1995, the state created a national active HIV/AIDS testing system, called sentinel surveillance. This system identifies specific at-risk populations. It originally included individuals seeking treatment at STD clinics, female sex workers, drug users, and long-distance truck users.[381] It later added a much larger number of groups: pregnant women, former blood donors, men who have sex with men (MSM), tuberculosis patients, clients of female sex workers, students, migrants, spouses of people living with HIV, individuals undergoing premarital health checks, those crossing China's

[374] Ibid., 209–210; Human Rights Watch, *Locked Doors*, 19.
[375] Ministry of Health of the People's Republic of China, *2012 China AIDS Response Progress Report*, March 31, 2012, 6.
[376] Ibid., 5.
[377] Kevin A. Fenton, "Changing Epidemiology of HIV/AIDS in the United States: Implications for Enhancing and Promoting HIV Testing Strategies," *Clinical Infectious Diseases* 45, no. Supplement 4 (December 15, 2007): S213–20, doi:10.1086/522615.
[378] UNAIDS, "HIV and AIDS Estimates: South Africa," *UNAIDS*, 2013, http://www.unaids.org/en/regionscountries/countries/southafrica/.
[379] Ministry of Health of the People's Republic of China, *2012 China AIDS Response Progress Report*, 22.
[380] Xinhua Sun et al., "The Development of HIV/AIDS Surveillance in China," *AIDS* 21, no. Suppl 8 (December 2007): S34. In addition to testing female sex workers, this system also actively targeted foreigners intending to live in China for more than a year, and Chinese citizens returning from abroad. The first person diagnosed with HIV/AIDS in China was a tourist, and the state's early prevention efforts focused on trying to stop the disease from entering into the country. Zunyou Wu et al., "Evolution of China's Response to HIV/AIDS," *The Lancet* 369, no. 9562 (February 2007): 680.
[381] Sun et al., "The Development of HIV/AIDS Surveillance in China," S34.

border, and people seeking hospital treatment.[382] It selects specific sites throughout the country—villages, counties, cities, or municipal districts—and the target population is located in each site. Sex workers are found in custody and education centers, karaoke bars, hair salons, massage parlors, and areas with a high concentration of streetwalkers. Once a year, health officials sample individuals from each site for anonymous HIV/AIDS testing.[383] In 1995, 42 such sites were established in 23 different provinces.[384] In 2006, 393 national sites existed in all 31 provinces, with an additional 370 provincial-level sites that follow the same protocol as the national system.[385] By 2009, a total of 1,318 sentinel surveillance sites had been established.[386] In 2011, 1,888 such national surveillance sites existed.[387] Of them, 520 focus on female sex workers—up from 43 in 2003, and 67 in 2005.[388] Since 2000, case reporting and sentinel surveillance have been supplemented with behavioral surveillance surveys (BSS), which ask participants to report on various HIV-related behaviors. For sex workers, the BSS includes questions on frequency of condom use and number of sexual partners. In 2006, 159 such sites existed in 27 provinces.[389] In 2008, 87 out of a total of 155 behavioral surveillance sites targeted female sex workers.[390] This combination of case reporting with sentinel and behavioral surveillance forms a comprehensive HIV surveillance system articulated in two key documents in 2002: the *Standards for HIV Surveillance and HIV/AIDS*, and the *STD Comprehensive Surveillance Guidelines*.[391]

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[382] Ibid.; Ministry of Health of the People's Republic of China, *China 2010 UNGASS Country Progress Report*, April 2, 2010, 65.

[383] Lei Zhang et al., "Describing the Chinese HIV Surveillance System and the Influences of Political Structures and Social Stigma," *The Open AIDS Journal* 6 (2012): 165. Wen Lin et al., "Is the HIV Sentinel Surveillance System Adequate in China? Findings from an Evaluation of the National HIV Sentinel Surveillance System," *Western Pacific Surveillance and Response Journal* 3, no. 4 (2012): 4. Until 2005, this testing occurred semi-annually at each site.

[384] Sun et al., "The Development of HIV/AIDS Surveillance in China," S34.

[385] Ibid., S35. The term "province" here refers to the 22 provinces (省), 5 autonomous regions (自治区) (Xinjiang, Inner Mongolia, Tibet, Ningxia, and Guangxi), and 4 municipalities (直辖市) (Beijing, Tianjin, Shanghai, and Chongqing), that together constitute the highest-level administrative divisions in China (省级行政区).

[386] Ministry of Health of the People's Republic of China, *China 2010 UNGASS Country Progress Report*, 65.

[387] Lin et al., "Is the HIV Sentinel Surveillance System Adequate in China?," 2.

[388] Ibid.; Yujiang Jia et al., "Sources of Data for Improved Surveillance of HIV/AIDS in China," *The Southeast Asian Journal of Tropical Medicine and Public Health* 38, no. 6 (November 2007): 1041–52.

[389] Sun et al., "The Development of HIV/AIDS Surveillance in China," S35; Lin et al., "Is the HIV Sentinel Surveillance System Adequate in China?," 2.

[390] Lin et al., "Is the HIV Sentinel Surveillance System Adequate in China?," 2.

[391] Chinese Ministry of Health (dissolved), "Quanguo Aizibing Jiance Gongzuo Guifan 全国艾滋病监测工作规范 [Standards for HIV Surveillance and HIV/AIDS]" (Chinese Ministry of Health (dissolved), March 20, 2002), http://www.moh.gov.cn/mohyzs/pzcxx/200804/32066.shtml; Chinese Center for Disease Control and Prevention, "Aizibing Xingbing Zonghe Jiance Zhinan Ji Fangan (Shizing) 艾滋病性病综合监测指南及方案(试行) [STD Comprehensive Surveillance Guidelines (For Trial Implementation)]," April 2002, www.hfcdc.ah.cn/include/downloand.php?ID=247.

The official guidelines for conducting sentinel surveillance adopt a tier-based categorization of sex workers.[392] After mapping out the universe of prostitution venues in a community, health workers are instructed to categorize them into "high" (高), "middle" (中) or "low" (低) tiers (层次). At least 10% of the sample must come from the low tier, and at least 40% of the sample must come from the middle-tier prostitution venues. These instructions illustrate, first, the presence of a class-based perspective on prostitution within state health agencies. That said, the guidelines do not explain the criteria to use for classifying venues into each of these tiers. Second, the requirement to test individuals in the middle and low tiers highlights the CDC's intention to provide rates of HIV/AIDS that accurately reflect infection rates amongst the entire population of sex workers. The class-based enforcement of HIV/AIDS interventions described in Chapters Five and Six, which does not target those most at risk of infection, is thus an implementation decision, rather than an officially endorsed policy.

Behavioral Interventions

In addition to gathering data on HIV infection rates and sexual behavior amongst sex workers, the state is also engaged in interventions with this population that are designed to reduce the incidence of HIV and other STDs by fostering behavioral changes.[393] Such prevention efforts started as local pilot programs in the mid-1990s.[394] Since then, the central government has publicly endorsed them and supported their adoption nationwide.[395] They involve educating sex workers about safe sex and STIs, and promoting condom use.

Systematic efforts at developing behavioral interventions started with pilot projects of the 100 Percent Condom Use Program (100% CUP). Originally developed in Thailand, the goals of 100% CUP are to ensure that sex workers and clients use condoms every time they engage in a high-risk sexual relationship, and that this behavior occurs consistently throughout the sex industry in a large enough geographic area (city, district, province, or country) that a client who refuses to wear a condom will not find any sex

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[392] National Center for AIDS/STD Control and Prevention, *Quanquo Aizibing Shaodian Jiance Shishi Fangan (Shixing) Caozuo Shouce 全国艾滋病哨点监测实施方案(试行)操作手册 [Guidebook for Monitoring on the Implementation of National AIDS Checkpoints (For Trial Implementation)]* (National Center for AIDS/STD Control and Prevention, 2009), http://ncaids.chinacdc.cn/fzdt/zxdd/200903/t20090325_1188559.htm.

[393] HIV/AIDS was the impetus for health interventions amongst sex workers in China. That said, other diseases that also present important health risks are more common, including syphilis, hepatitis C, gonorrhea, and chlamydia. Sentinel surveillance also includes testing such other STDs, which serve as surrogate markers as risk of HIV rises along with increased rates of STDs. They can also increase one's vulnerability to contracting HIV.

They serve as surrogate markers for HIV, as risk of HIV increases with increased STD rates

[394] Wu et al., "Evolution of China's Response to HIV/AIDS," 683; Jeffreys and Su, "China's 100 Per Cent Condom Use Program," 320.

[395] Jeffreys and Su, "China's 100 Per Cent Condom Use Program," 325; Tony Saich, "Social Policy Development in the Era of Economic Reform," in *AIDS and Social Policy in China* (Harvard University Asia Center, 2006), 42; Wiwat Rojanapithayakorn, "The 100% Condom Use Programme in Asia," *Reproductive Health Matters* 14, no. 28 (2006): 45–46.

workers willing to have unprotected sex.[396] The 100% CUP pilot projects were carried out rigorously. In the five pilot towns, health agency project staff mapped out all venues that were thought to harbor prostitution. They enlisted the support of local law enforcement to gain cooperation from venue owners, and ensure that the police would not interfere with 100% CUP health outreach.[397] They then collaborated with venue owners to gain access to sex workers. They surveyed these women to gather data on their sexual behaviors, carried out safe sex trainings where they provided educational materials to sex workers, and provided the women with free STD testing, treatment and counseling at local clinics. Venue owners were also required to make condoms available at the entertainment establishment.[398] That requirement later became part of China's 2006 *Regulation on the Prevention and Treatment of HIV/AIDS*, which mandates that managers of public places provide access to condoms, and provides the provincial government with decision-making power as to which public places should do so.[399] In addition, the regulations empower local health agencies to enforce the condom requirement provision through warnings, fines, and a temporary suspension of activity until condom access is established.[400] They also allow the agency that issued the venue's business license to revoke it.[401]

Following these pilot projects, the Ministry of Health released a notice in 2004 that called for CDCs at all levels of government to establish a task force on interventions among groups at high risk of contracting HIV/AIDS, including sex workers.[402] In 2005, it issued *Guidelines for High-Risk Group Behavioral Interventions*, which outlines the responsibilities of CDCs nationwide for conducting such activities.[403] These guidelines underscore the importance of using peer educators to reach these populations (for example, training sex workers to do outreach with other sex workers). They also outline the types of health services to make available, the necessity of providing easy access to

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[396] Rojanapithayakorn, "The 100% Condom Use Programme in Asia," 42.
[397] Chapters Four and Five explore health outreach and inter-agency cooperation in greater depth.
[398] Jeffreys and Su, "China's 100 Per Cent Condom Use Program," 320–325.
[399] *Aizibing Fangzhi Tiaoli* (艾滋病防治条例) [Regulation on the Prevention and Treatment of HIV/AIDS] Art. 29 (promulgated by the St. Coun., Jan. 18, 2006, effected Mar. 6, 2006). The category "public places" (*gonggongchangsuo*--公共场所) includes all of the types of places that harbor prostitution in China. *Gonggong Changsuo Weisheng Guanli Tiaoli* (公共场所卫生管理条例) [Regulations on the Administration of Sanitation at Public Places] Art. 2 (promulgated by the St. Coun., Apr. 1, 1987, effected Apr. 1, 1987).
[400] *Regulation on the Prevention and Treatment of HIV/AIDS*, Art. 61.
[401] Ibid.
[402] National Health and Family Planning Commission, "Weishengbu Bangongting Guanyu Zai Geji Jibing Yufang Kongzhi Zhongxin (Weisheng Fangyi Zhan) Jianli Gaowei Renqun Ganyu Gongzuodui De Tongzhi 卫生部办公厅关于在各级疾病预防控制中心(卫生防疫站)建立高危人群干预工作队的通知 [General Office of Ministry of Health's Notice for Setting up Intervention Working Group for High-Risk People at Health and Epidemic Prevention Centers at Every Administrative Level]," August 20, 2004, http://www.moh.gov.cn/mohbgt/pw10409/200804/27106.shtml. The other target groups are individuals who have an STD, MSM, IDU, migrant workers, individuals who actively seek HIV testing and counseling, individuals who have tested positive for HIV, and their spouses or sexual partners.
[403] General Office of the Ministry of Health, "Gaoweixian Xingwei Ganyu Gongzuo Zhidao Fangan (Shixing) 高危行为干预工作指导方案 (试行) [Guidelines for Intervention Works on High-Risk Behaviors (For Trial Implementation)]," June 9, 2005, http://www.china.com.cn/chinese/PI-c/885526.htm.

condoms and information on their use, and the types of educational materials to distribute.

While the 100% CUP pilot projects provide a thorough model for reducing the spread of HIV through prostitution, the nationwide policies developed in their aftermath appear less comprehensive. In practice, they pay lip service to the spirit of 100% CUP through distribution of condoms, safe sex brochures and occasional workshops. Yet they are neither systematic, nor comprehensive, so the goal of limiting the availability of unprotected sex is not actually achieved. The close interagency cooperation that occurred during the pilot projects, with active police knowledge and support, is not incorporated into these expanded efforts to increase condom use amongst sex workers. Chapters Five and Six explore this issue more comprehensively.

Also of note, these behavioral outreach projects are specifically framed as an outreach effort towards sex workers. Given the role men play in condom use, and frequently unequal power dynamics that often disfavor sex workers, targeting clients is extremely important. With the exception of a handful of sentinel surveillance sites that have focused on clients, very few interventions have explicitly articulated their targets as men who purchase sex. A logistical reason for this imbalance is tied to the difficulty of locating clients. Their presence in a venue is more fleeting than that of sex workers, who stay in their given workplace servicing men who circulate through. A less benign interpretation of this focus on sex workers finds its origins in deeply-rooted prejudices in which society views these women as "villains" rather than "victims," and squarely blames them for spreading venereal diseases and tempting men to purchase sex.[404] Such perspectives have shaped prostitution policies throughout history in a wide range of places. Yet, while an explicit focus on clients is important, another avenue exists through which clients in China are currently receiving information about HIV/AIDS. In addition to targeting high-risk groups such as sex workers for behavioral change, the state has also been carrying out comprehensive efforts to increase AIDS awareness throughout the general population since the early 2000s. These include regular media coverage of Chinese leaders meeting with individuals who have tested positive for HIV, and large-scale safe sex and AIDS awareness public service announcements with major celebrities such as actors Jackie Chan and Pu Cunxin, singer Peng Liyuan (who is also the wife of China's leader Xi Jinping), and basketball players Yao Ming and Magic Johnson. While these general outreach campaigns do not specifically address prostitution, it is mainly through them that individuals who purchase sex would gain information on how to protect themselves from HIV infection.

The "Four Frees and One Care" Policy （四免一关怀)

In addition to actively testing sex workers for HIV/AIDS, the state also has a program in place to provide services for people who have HIV. Under the "Four Frees and One Care" policy, the Chinese government offers HIV/AIDS tests free of charge. Approved state-run health institutions are the only facilities authorized to provide them.

[404] The "victim" framework is also problematic, as it leaves little room for perspectives that consider sex worker agency and empowerment.

Under this policy, AIDS patients in rural areas, and individuals without insurance who live in urban areas, receive anti-retroviral drugs (ARVs) for free. They also have access to free voluntary counseling. Pregnant women with HIV get free drugs to prevent mother-to-child transmission of the virus. AIDS orphans do not pay for school. Through this policy, the government also pledges to provide care and economic support for households with an individual who is living with HIV.

China's Prostitution Commercial Policies

In addition to policies aimed at prohibiting prostitution and reducing the spread of HIV/AIDS, the Chinese government has also enacted policies that allow it to benefit financially from the sex industry. More specifically, the state enriches itself through taxation of entertainment venues and their employees. To be clear, these are not policies that officially claim to be taxing brothels and sex workers, as they would in regulatory regimes of legalized prostitution, or as occurred in some places in Republican China.[405] Instead, these are the taxes applied to venues that are registered with the state as businesses that provide legal services, such as entertainment (singing and dancing), food, drink, haircuts and massages, as well as to their personnel.

Entertainment Venue Regulations

The business tax (营业税) for entertainment venues ranges from 5 to 15% of income earned from venue clients, depending on the type of business. Business owners must also pay additional taxes in areas such as urban maintenance and construction, as well as education, flood prevention, corporate income, stamp duty, housing, and land use.

As a taxation policy, this system appears unrelated to prostitution, and some of the venues subject to it harbor no prostitution activities whatsoever. Yet others serve as a space in which clients solicit sex workers, and the exchange of sexual services for money or other material goods occurs off the premises. Still others operate, in practice, as full-on brothels. The content of the non-tax regulations that govern entertainment venues makes clear the state's recognition that these spaces serve as gateways to the purchase of sex, as these laws provide very detailed instructions designed to prevent the harboring of prostitution activities. They specifically forbid the venues and their employees from facilitating or engaging in prostitution.[406] They must close between 2 and 8am.[407] They are required to install video monitoring equipment that records continuously in the entrance, exit, and main venue passageways.[408] The doors to private rooms within these venues may not have locks on them.[409] Doors and windows of each room must be at least

[405] Elizabeth Remick, *Regulating Prostitution in China: Gender and Local Statebuilding, 1900-1937* (Stanford, California: Stanford University Press, 2014).
[406] *Measures for the Administration of Entertainment Venues*, Art. 14.
[407] *Measures for the Administration of Entertainment Venues*, Art. 28.
[408] *Measures for the Administration of Entertainment Venues*, Art. 15. *Yule Changsuo Zhian Guanli Banfa* (娱乐场所治安管理办法) [Measures for the Security of Entertainment Venues] art. 12-14 (promulgated by the Min. of Public Security, Apr. 21, 2008, effected Oct. 1, 2008).
[409] *Measures for the Security of Entertainment Venues*, Art. 10.

partially transparent, such that the entire room is visible from the outside.[410] No objects may be placed within a room, such as screens or partitions, which would obstruct one's view of it.[411] With the exception of a toilet, no separate room may be installed within a private room.[412] Lights in these rooms must be on at all times during business hours, and it is forbidden to install a dimmable light system.[413] These efforts at staving off prostitution extend even to the clothes that employees in entertainment venues are required to wear, which must be modest and "may not be harmful to public morals" (不得有伤风化).[414] For hostesses, these uniforms are generally matching traditional Chinese *qipao* (旗袍) dresses, or ball gowns reminiscent of 1980s American prom dresses. For massage parlor or hair salon employees, the uniforms are completely desexualized, resembling medical professional scrubs. In both cases, these efforts to control the physical appearance of venue employees are an instance of veneers of adherence to the law discussed in Chapter One. Specifically, these uniforms provide a visual signal of propriety, order, and legality, and thus serve as attempts to physically mask the actual behaviors in which those who wear them engage.

Official commentary that accompanied the issuance of the 2006 *Regulations on the Administration of Entertainment Venues* makes even clearer the state's recognition of entertainment venues as gateways to prostitution. In particular, a spokesperson for the State Council Legislative Affairs Office (国务院法制办), in an interview discussing the regulations shortly after their release, noted how "to varying degrees, prostitution, gambling, drugs, and other such illegal criminal activities occur in entertainment venues."[415] The spokesperson further acknowledged that "[a]s everyone knows, entertainment venues have a dual nature. On the one hand, they can enrich people's cultural life; on the other hand, these types of venues can quite easily propagate prostitution, gambling, drugs and other such illegal activities."[416] These regulations and accompanying commentary do not make it sound like the government is trying to extract rents from prostitution. Instead, they signal efforts to extricate prostitution from entertainment venues. Yet these indications legitimize the benign-sounding venue taxation policies, as they present the impression of spaces scrubbed clean of the sex industry.

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[410] *Measures for the Administration of Entertainment Venues*, Art. 16. *Measures for the Security of Entertainment Venues*, Art. 9.
[411] *Measures for the Administration of Entertainment Venues*, Art. 16. *Measures for the Security of Entertainment Venues*, Art. 8.
[412] *Measures for the Security of Entertainment Venues*, Art. 8.
[413] Ibid., Art. 11.
[414] Ibid., Art. 27. *Measures for the Administration of Entertainment Venues* Art. 16.
[415] Legislative Affairs Office of the State Council, "Guowuyuan Fazhiban Jiaokewen Fazhisi Youguan Fuze Tongzhi Jiu 'Yule Changsuo Guanli Tiaoli' De Youguan Wenti Da 'Zhengfu Fazhi Xinxi Wang' Jizhe Wen 国务院法制办教科文卫法制司有关负责同志就《娱乐场所管理条例》的有关问题答《政府法制信息网》记者问 [Legislative Affairs Office of the State Council's Reply for the Reporter from Government Legal Information Website on Questions Regarding the Measures for the Administration of Entertainment Venues]," December 4, 2006, http://www.chinalaw.gov.cn/article/fgkd/xfgwd/200612/20061200018683.shtml.
[416] Ibid.

Venue Personnel Personal Income Taxes

A second taxation policy that allows the government to benefit financially from the sex industry is somewhat less disguised. In addition to taxing entertainment venues, the state also collects individual income taxes from venue employees. On one level, this is a straightforward application of national individual income tax laws in China. Taxable income in China includes all "wages, salaries, bonuses, year-end bonuses, labor dividends, allowances, subsidies and other remunerations from their job or other income related to their employment."[417] As of 2011, tax rates ranged from 3 to 45% based on the income brackets displayed in the table below, where a deduction of 3,500 yuan is applied to monthly income.[418]

Monthly Taxable Income (yuan)	Monthly Taxable Income (USD)	Tax Rate (%)
<1500	<245	3
1501-4500	245-735	10
4501-9,000	735-1470	20
9,001-35,000	735-5717	25
35,001-55,000	5717-8983	30
55,001-80,000	8983-13066	35
>80,001	>13066	45

Table 3.2 Individual Income Taxation Rate by Monthly Earnings

Whether the income has been earned legally or illegally does not affect its taxability, so sex worker earnings are in theory subject to these policies.[419]

In addition to these nationally-issued regulations, some local governments have also enacted versions that specifically single out and target the earnings of individuals who work in entertainment venues. These regulations have generated a significant amount of controversy, with critics concerned that taxing hostess income legitimizes prostitution in a country that prohibits the phenomenon. Such targeted regulations started to emerge in China in the mid-1990s. In 1995, for example, the local taxation bureau in Beijing enacted *Provisional Measures on Collecting Personal Income Tax from Entertainment and Food Service Industry Employees*, which it then revised in 2000. They apply to employees in the entertainment and food industries, including cooks, as well as personnel in beauty salons, massage parlors and bathhouses, and entertainment venues.[420]

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[417] *Individual Income Tax Law of the People's Republic of China (Revised)* (中华人民共和国个人所得税法[已被修订]) Art. 2 (promulgated by the Standing Comm. Nat'l People's Cong., Sept. 10, 1980, effected Sept. 10, 1980). See also *Individual Income Tax Law of the People's Republic of China (2011 Amendment)* (中华人民共和国个人所得税法[2011 修正]) (promulgated by the Standing Comm. Nat'l People's Cong., Sept. 10, 1980, effected Sept. 10, 1980, amended June 30, 2011).

[418] *Individual Income Tax Law of the People's Republic of China (2011 Amendment)*, Art. 6.

[419] Interview 131, August 19, 2009.

[420] *Guanyu Dui Benshi Yule Yinshi Fuwu Hangye Bufen Congye Renyuan Shixing Dinge Zhengshou Geren Suodeshui De Zhanxing Banfa* (关于对本市娱乐、饮食服务行业部分从业人员实行定额征收个人所得税的暂行办法) [Provisional Measures on Collecting Personal Income Tax from Entertainment and Food

For beauty salon personnel, personal income tax in Beijing is calculated based on the salon's overall monthly revenue. The table below displays the different tax amounts.

Beauty Salon Monthly Income (Yuan)	Beauty Salon Monthly Income (USD)	Personal income tax (Yuan)	Personal income tax (USD)
> 100,000	> 16,340	200	32
50,000 to 100,000	8,170 to 16,340	100	16
<50,000	<8,170	50	8

Table 3.3 Individual Income Tax Amounts for Beijing Beauty Salon Personnel

For bathhouse and massage parlor personnel, the regulations divide Beijing's districts into three groups.[421] Within each group, venues are divided into two tiers, and personnel pay larger amounts in the high tier venue.[422] The following table shows those amounts.

District Category	Personal Income Tax Tier One Venues Yuan (Dollars)	Personal Income Tax Tier Two Venues Yuan (Dollars)
Group 1 (Chaoyang, Haidian, Dongcheng, Xicheng, Chongwen, Xuanwu, and all foreign businesses)	500 (82)	400 (65)
Group 2 (Fengtai, Shijingshan, the Beijing West Railway Station, and the Beijing Economic and Technological Development Area)	400 (65)	300 (50)
Group 3 (Daxing, Fangshan, Yanshan, Mentougou, Yanqing, Changping, Tongzhou, Huairou, Miyun, Pinggu, and Shunyi)	300 (50)	200 (33)

Table 3.4 Individual Income Tax Amounts for Beijing Bathhouse and Massage Parlor Personnel

A separate tax applies specifically to individuals whose job in a bathhouse is to help customers shower (*cuozao*--搓澡), a responsibility that might including rubbing them down with a towel and massaging them. If they are paid more than 50 yuan (8 USD) per

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Service Industry Employees] Art. 2 (promulgated by the Beijing Local Taxation Bureau, Dec. 11, 1995, effected Dec. 11, 1995). *Beijing Shi Difang Shuiwuju Duiyu Benshi Yule Yinshi Fuwuye Bufen Congye Renyuan Shixing Dinge Zhengshou Geren Suodeshui De Zhanxing Banfa Buchong Guiding De Tongzhi* (北京市地方税务局关于对本市娱乐、饮食服务业部分从业人员实行定额征收个人所得税的暂行办法补充规定的通知) [Notice of the Supplementary Regulations for Beijing Local Taxation Bureau's Provisional Measures on Collecting Personal Income Tax from Entertainment and Food Service Industry Employees] Art. 2 (promulgated by the Beijing Local Taxation Bureau, July 25, 2000, effected Oct. 1, 2000).

[421] Group One includes Chaoyang, Haidian, Dongcheng, Xicheng, Chongwen, Xuanwu, and foreign businesses. Group Two includes Fengtai, Shijingshan, the Beijing West Railway Station, and the Beijing Economic and Technological Development Area. Group Three includes Daxing, Fangshan, Yanshan, Mentougou, Yanqing, Changping, Tongzhou, Huairou, Miyun, Pinggu, and Shunyi.

[422] The regulations delegate responsibility to the districts and counties to determine tier one versus tier two venues.

customer, they pay a monthly tax of 100 yuan (16 USD). If they are paid between 20 and 50 yuan per customer, they pay 20 yuan per month (3 USD).[423]

Entertainment venue personnel pay different amounts of personal income tax based on their responsibilities. Singers and emcees pay a monthly flat fee of 220 yuan (35 USD).[424] Instrumentalists and audio engineers pay a monthly flat fee of 120 yuan (20 USD). Other types of entertainment venue employees pay on a sliding scale similar to the one that applies to bathhouse and massage parlor employees. This category would include hostesses, those most likely to also sell sex to clients. The table below displays these personal income tax amounts for this group.

District Category	**Personal Income Tax Tier One Venues Yuan (Dollars)**	**Personal Income Tax Tier Two Venues Yuan (Dollars)**
Group 1 (Chaoyang, Haidian, Dongcheng, Xicheng, Chongwen, Xuanwu, and all foreign businesses)	400 (65)	300 (50)
Group 2 (Fengtai, Shijingshan, the Beijing West Railway Station, and the Beijing Economic and Technological Development Area)	300 (50)	200 (33)
Group 3 (Daxing, Fangshan, Yanshan, Mentougou, Yanqing, Changping, Tongzhou, Huairou, Miyun, Pinggu, and Shunyi)	200 (33)	100 (16)

Table 3.5 Individual Income Tax Amounts for Beijing Entertainment Venue Personnel[425]

Many local governments in China have issued versions of these regulations, including Guangzhou, Hainan, Putian, Shenyang, and Nanjing.[426] These regulations do

[423] *Notice of the Supplementary Regulations for Beijing Local Taxation Bureau's Provisional Measures on Collecting Personal Income Tax from Entertainment and Food Service Industry Employees*, Art. 3.
[424] Ibid.
[425] This table excludes singers, emcees, instrumentalists and audio engineers.
[426] Fu and Choy, "Policing for Profit: Fiscal Crisis and Institutionalized Corruption of Chinese Police," 542; Guangzhou Local Taxation Bureau, "Guangzhou Shi Difang Shuiwuju Guanyu Tezhong Xiaofei Xingwei Linshi Shouping Fuwu Renyuan Geren Suodeshui Zhengshou Guanli Wenti De Tongzhi 广州市地方税务局关于特种消费行业临时受聘服务人员个人所得税征收管理问题的通知 [Guangzhou Local Taxation Bureau's Notice Regarding the Issue of the Management of Temporary Hired Service Provider's Personal Tax in the Special Industry]," July 8, 1996, http://www.zgtax.net/plus/view.php?aid=50392. Lu Yansi 陆妍思, "Xiang Anmou Zhengshui De Shishi Feifei 向按摩女征税的是是非非 [Pros and Cons on Taxing Massage Parlor Girl]," *Xin Kuai Bao 新快报*, November 20, 2002, http://news.sina.com.cn/c/2002-11-20/09422043s.html; Xu Yuanfeng 徐元锋, "Shenyang Fenji Guanli Yule Changsuo 沈阳分级管理娱乐场所 [Classification Management of the Entertainment Venues in Shenyang]," *Renminwang 人民网*, April 20, 2006, http://news.sohu.com/20060421/n242916929.shtml; Pang Jingcheng 庞京城 and Shen Deli 沈德理, "Zhifa Tongyi Yu Guanli Youxiao: Ruhe Renshi Dui Yule (Baogua Shehuang) Changsuo Congye Renyuan De Shoushui Wenti 执法统一与管理有效: 如何认识对娱乐(包括涉黄) 场所从业人员的收税问题 [Effective and Unified Law Enforcement: How to Recognize the Problem of Taxing Employees in Entertainment Venues (Sex-Related Industries Included]," in *The 8th (2013) Annual Conference of Chinese Society for Management Modernization—Session Essays on A Study of Management Cases* (Beijing:

not make overt references to prostitution. However, the state actors responsible for enacting them have at times been candid with respect to the individuals whom the regulations are meant to target. When Putian adopted such policies in 1997, the head of the local tax bureau openly acknowledged that the goal of the regulations was to tax the earnings of *xiaojie*—the term that serves as a euphemism for referring to sex workers. Specifically, he explained that they are meant to target those women who work in elite venues (*gao xiaofei changsuo*--高消费场所), where he estimated that they earn between 3,000 and 4,000 yuan a month (490-650 USD). He further explained that, with about 10,000 women working in such venues in the industry in Putian, the local government was missing out on significant amounts of revenue.[427] Reports from other cities have also underscored how much income the local government expects to generate from such policies. A district in Nanjing collected 27,000 yuan (4,406 USD) in the first five months of 2000 from taxing entertainment venue hostesses, and the Nanjing tax bureau estimated that they would collect 12,000,000 yuan (1,957,427 USD) annually in this way.[428]

In practice, it is difficult to establish the extent to which entertainment venue sex workers actually pay personal income tax.[429] In the red light districts where I carried out my fieldwork, such policies were not enforced, and sex workers were unaware of them. That said, they might be in place in any number of locations where I did not conduct research. Yet regardless of whether or not local governments are collecting personal income tax from hostesses, such codification in the law illustrates the state's official intent to benefit from the earnings of individual sex workers. In addition, since the business tax on entertainment venues generates significantly more revenue than this personal income tax and serves as the primary way in which local governments benefit financially from prostitution, the question of implementation in this case is less important.

Conclusion

In presenting the official content of the policies that target prostitution in China, this chapter highlights instances in which the state recognizes tiers within the sex industry. This observation does not apply to policing laws, which are formally blind to the idea of a sex industry divided into tiers. Yet health regulations recognize different categories of prostitution based on risk of HIV/AIDS, and advocate for an enforcement strategy that privileges those most at risk. Commercial policies also exhibit an awareness of venue tiers, although unlike health and policing regulations, they are not formally addressing prostitution. Personal income tax for hostesses varies based on venue class. Venue

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Chinese Society for Management Modernization, 2013). Pan Suiming notes that in 1998, over 43 cities had enacted such policies. Suiming Pan, *Cun Zai Yu Huang Miu: Zhongguo Di Xia "Xing Chan Ye" Kao Cha [Existing in Falsehoods: An Investigation of China's Underground Sex Industry]* (Beijing: Qunyan, 1999).

[427] Fang Lin 方琳, "Shilun Xiandai Gonggong Zhengce De Jiazhi Chongtu 试论现代公共政策的价值冲突 [On Value Confrontation in Modern Public Policy]," *Administrative Management in China 中国行政管理* 12 (1998): 66–69.

[428] Lu Yansi 陆妍思, "Xiang Anmou Zhengshui De Shishi Feifei 向按摩女征税的是是非非 [Pros and Cons on Taxing Massage Parlor Girl]."

[429] One Chinese expert on prostitution told me that these policies were common in the 1990s, and that the central government has since opposed them. Interview 59, April 3, 2009. This claim may be inaccurate. I have not found evidence to corroborate it. In addition, debates about the policies continue to surface today.

business taxes also vary. Entertainment venues, which generally harbor middle class sex workers, are often taxed at higher rates than massage parlors, hair salons, and saunas, where lower-tier women work. In addition, there are no taxes for women in the very lowest rungs of prostitution who do not benefit from the aura of partial legitimacy that venue affiliation confers upon those who work there. Yet while the concept of tiers is generally present within China's prostitution regulations, the actual tier-based enforcement of policing and health policies does not reflect the formal content of the laws. Policing is intended to reach across the spectrum of prostitution tiers and actors. Health policies are designed to target those most in need. Such disconnects are not apparent when considering the implementation of business policies. With the important caveat that they are not officially about prostitution, they generally appear to be enforced in ways to maximize state enrichment. These various patterns constitute the subjects of Chapters Four through Seven of this study.

Chapter Four: The Daily Lives, Demographics and Sexual Behaviors of Low- and Middle-Tier Sex Workers

Introduction

This chapter presents a snapshot of the daily lives of low- and middle-tier sex workers, some of their main demographic characteristics, and their sexual and health behaviors. Women rarely move from one tier to the other, and low-tier sex workers are older, less educated, less healthy, and paid worse than their middle-tier counterparts. Chapters Four through Seven are based on data from my interviews and field observations, in combination with the sex worker and police surveys that I conducted. Chapter Five discusses the state interventions that occur in the lives of low-tier sex workers, and Chapter Six does the same for those in the middle tier. While survey participants were not randomly sampled, insights from the surveys are in and of themselves valuable descriptive contributions given how little is known about these populations. I also constantly triangulate with my other sources of data, in an effort to situate the survey results within a broader understanding of prostitution in China.

Portraits of Low- and Middle-Tier Sex Workers

Inside a Low-Tier Brothel

Xiao Li works for Mei Jie, a madam who runs a brothel out of her apartment in Shenzhen.[430] She had bad grades and did not like studying, so after graduating from middle school in Sichuan she came to Shenzhen, following in her older brother's footsteps.[431] She arrived in 2007, and spent two years working in a factory. She found it too tiring, so she quit, and returned to Sichuan to work as a waitress in a hot pot restaurant. When she returned to Shenzhen to visit her friends, one of them was selling sex and introduced her to Mei Jie, whom she started to work for in August 2009, four months before I met her. She did not tell me her age, but her graduation year suggests that she is probably 16 or 17 years old. She prefers working in the sex industry to a factory. The former is less tiring because of the rest time she gets in between clients. She has an average of six to 14 clients per day. They usually pay 150 yuan per transaction—50 for Mei Jie, and 100 (15 USD) for herself. If they do not want to wear a condom, they just need to pay an additional "rinse fee" (*chongxi fei*--冲洗费) of 30 to 50 yuan (5 to 8 USD), which she then uses in order to purchase a product which promises to counteract the consequences of not wearing a condom. Xiao Li is comfortable with this, because the doctor she saw at a local underground clinic taught her to recognize the visual signs that a client has an STD. He also told her that as long as you rinse properly after sex, it is fine not to wear a condom. Mei Jie believes this also—when I provided Xiao Li with a voucher for a free health checkup at a legitimate local hospital, which

[430] All names have been changed, in both this chapters and those following.

[431] Interview 186, November 5, 2011.

included an optional HIV test, Mei Jie grabbed it from her. "I'll take that," she declared. "Young girls don't need to see the doctor. This is for old women like me."[432]

Mei Jie's low-tier brothel is located in the heart of one of Shenzhen's most active red light districts. While it is a fairly sleepy place during the day, it comes to life in the early evening. This is especially the case on weekends, when a wave of clients from nearby Hong Kong joins the ranks of local men wandering in and out of the karaoke bars, massage parlors, hair salons, and other venues that provide prostitution services in the neighborhood. Mei Jie's place is in an apartment building in a narrow alleyway that often has sex workers soliciting on the street. It is a three-bedroom apartment. The living room has two couches, and a small desk with a computer. In between clients, Xiao Li and her two colleagues spend most of their time online. The living room doubles as their bedroom—the three of them sleep on the couches or the bed behind the living room curtain divider.

One of the bedrooms is Mei Jie's, which she shares with her husband, Lao Guo. They have an extremely tense relationship, and frequently yell at each other. She accuses him of being a lazy, deadbeat partner who gambles away all her hard-won income (albeit earned from the sexual labor of others). In her defense, her husband does seem to spend most of his days sitting around their living room watching television. On some weekends and holidays, they share their bedroom with their seven-year-old son, Dou Dou. They send him to a private boarding school nearby, in order to limit his exposure to the sex industry. Tuition there costs 10,000 yuan per semester (1,600 USD), a fact that she never ceases to reiterate to Dou Dou. Mei Jie wants Lao Guo to rent an apartment by the school so that he can live with Dou Dou and help him with his schoolwork, but Lao Guo does not want to. My heart goes out to Dou Dou. When I asked him how often he comes home, he choked up, and through tears said that his parents only bring him home when they miss him, and that he only misses his mom, not his father. I am not sure how much he understands about prostitution. When Mei Jie and I were talking about where I might locate more sex workers to interview, Dou Dou piped in, eager to be helpful, and listed all sorts of places in the neighborhood where he knew they could be found. His mom became visibly flustered at what this display of knowledge said about the world to which she was exposing her son. Children were a common part of the landscape in mom-and-pop brothels like Mei Jie's. In the one that Chen Ge ran in another Shenzhen neighborhood, his eight-year-old daughter picked up some of the American condoms in round packaging that I had brought with me as gifts to interviewees, and asked me what they were. As I racked my brain trying to come up with an age-appropriate explanation of a condom in Chinese, one of my research assistants told her they were stickers.[433] However, when she saw those wrapped in familiar square packaging, she triumphantly

[432] Interview 188, November 5, 2009.

[433] My research assistant's explanation left me thoroughly confused. The Chinese word for "sticker," which I did not know prior to this incident, but is now thoroughly lodged in my brain, is *jiaozhi* (胶纸), which sounds similar to the word for "dumpling"--*jiaozi* (饺子). I had no idea why she was trying to pass a condom off for a Northern Chinese food staple.

declared, "I know what *these* are! They're condoms!" (*Zhege wo zhidao shi taozi—这个我知道是套子*).[434]

The second bedroom in Mei Jie's apartment is rented out to Yang Ge. He is essentially a permanent, residential client in the brothel. He comes in from his home in Hong Kong, lives in the apartment a few days each week, has his own key, and seems to have unlimited access to Mei Jie's girls. He appears to be an integral member of this odd community, and he frequently hung out in the living room and joined us out for lunches and dinners. The third bedroom is for sexual transactions with all of the other clients who come through. I rarely interacted with them. Mei Jie asked me to stay behind the living room curtain divider when they came, so as not to startle them. They usually passed through quickly. I would hear them enter the apartment, choose a girl, have sex, exit the room to take a shower, go back in to get dressed, and leave. In one case, a new client came, and noticed me sitting behind the curtain. At first, he thought I was also a sex worker. When Mei Jie explained that I was a researcher, he sat down and started talking to me about himself, his wife, and his children, as though we were meeting at a dinner party rather than in a brothel where he had come to purchase sex.

The police loom large in this sex industry community. In the early mornings, whenever I walked by the neighborhood police station, a handful of sex workers and clients were sitting behind its glass doors. I arrived at Mei Jie's one afternoon to find her all out of sorts: the police had stormed into two apartment brothels just a few doors down from hers the night before, and arrested the sex workers, clients, and madams. Later that day, one of those sex workers came by Mei Jie's apartment. She told us she had been caught in the act, dragged into the room next door, slapped and kicked, in order to force her to admit to prostitution.[435]

Out on the Streets: The Women of Xicheng Park

Xicheng Park is widely known as a place to solicit prostitution in Beijing.[436] It is a small space—about half a square mile—tucked behind a subway station, with banks, hotels, and hospitals towering over it. Both female and male sex workers loiter there at all times of day.[437] They share the space with retirees, who use it to practice *tai qi* and various dance routines. The women there work independently, without pimps or madams, and are older than Mei Jie's girls. Xiao Huang says she is 40, from Hunan province, and has been soliciting in the park for four years. She is divorced, and does not have any children.[438] Ling Ling also told me she was 40, although as a farmer from rural Jiangsu province, she had the weathered appearance of a 60-year-old.[439] She came to Beijing to

[434] Field notes, November 12, 2009.
[435] Field Notes, November 7, 2009.
[436] I have changed the park's name.
[437] Despite sharing the same solicitation space, these two groups rarely interacted with each other. The female sex workers were scared and suspicious of the men, and uncomfortable at being in such close proximity to homosexuality.
[438] Sex Worker Interview 6, August 20, 2009.
[439] Sex Worker Interview 5, August 20, 2009.

work as a housekeeper two years ago. When that job fell through, a friend introduced her to the sex industry.[440] She is married, and her husband is a migrant worker in Shanghai. Su Yin is 34. She was a farmer in Sichuan before moving to Beijing to support her two children and good-for-nothing husband back home.[441] Wen Ling is 42 years old. She has been married for 20 years, and has a 19-year-old son who is a sophomore in college in Beijing. She is a middle school graduate who came here from Chongqing five years ago. She waited tables and cleaned houses for three years, before losing those jobs and entering the sex trade.[442]

Once clients have solicited them, the actual sexual exchange usually occurs behind bushes in the park, or at the client or sex worker's home. The men range in age from 20 to 80.[443] Some of them are regulars, and others are one-off clients.[444] They pay anything from a few dozen to a few hundred yuan per transaction.[445] With an average of about one client per day, these women report monthly incomes ranging from 2000 to 10,000 yuan (320 to 1614 USD).

The women of Xicheng Park all know and watch out for one another.[446] They share information about weird (*biantai*—变态) or dangerous clients. They warn each other when the police come, in which case they start walking to try blending in with passersby in the park. Otherwise, the police can stop them for loitering, check their identity cards, and bring them to the police station. When the police stopped Li Hua, they found condoms in her purse and used that as grounds for arresting her for prostitution.[447] They sometimes send undercover cops to solicit them in the park.[448] They also catch these women in the act—one of their colleagues was having sex in the park at night, when the police came, arrested her and the client, and incarcerated her for several months.[449] They had invited a reporter along on their patrol. In addition to arrest concerns, the other women were now also worried about the possibility of public humiliation through the media.[450] Women in this community have been incarcerated for prostitution, but had not heard of anyone being fined.[451]

These sex workers are not aware of any state-run health outreach in their community, and have limited knowledge about HIV/AIDS prevention.[452] When Xiao

[440] Sex Worker Interview 5, August 20, 2009.
[441] Sex Worker Interview 4, August 20, 2009.
[442] Sex Worker Interview 7, August 20, 2009.
[443] Sex Worker Interview 5, August 20, 2009.
[444] Sex Worker Interview 7, August 20, 2009.
[445] Sex Worker Interviews 4, 5, 6, and 7, August 20, 2009.
[446] Sex Worker Interview 4, August 20, 2009.
[447] Sex Worker Interview 3, August 20, 2009.
[448] Sex Worker Interview 4, August 20, 2009.
[449] Sex Worker Interview 3, August 20, 2009. Li Hua did not know what happened to the client.
[450] Sex Worker Interview 3, August 20, 2009.
[451] Sex Worker Interview 7, August 20, 2009.
[452] Sex Worker Interviews 3 and 7, August 20, 2009.

Huang feels like a client is unhealthy, she asks him to wear a condom.[453] Wen Ling makes this decision based on whether or not his genitals look diseased.[454] When Li Hua's clients refuse to wear a condom, she will wash herself after sex.[455] Despite being married, Su Yin had never even heard of condoms before coming to Beijing.[456]

The Lives of Middle-Tier Entertainment Venue Hostesses

Ying Yi works in a karaoke venue in Beijing.[457] She is from Northeastern China. She is 27 years old, and had been living in Beijing for seven years. In her hometown, she had opened a legitimate hair salon, and also sold clothing. Customers at the hair salon knew it was legitimate and did not ask for any "special services," (*teshu fuwu*—特殊服务), a euphemism for sex, because the fake salons all have signs by the door also advertising various body and foot massage services. She came to Beijing with her first husband. He was a drug addict, and while her family disapproved of him and she also wanted to leave him, she struggled to make a clean break. She eventually divorced him. She remarried a few years later, but divorced her second husband also. She does not have any children. When she moved, she initially found work at a hair salon. Yet as she used to run her own hair salon, she could not stand having to take orders from the boss, who would make her sweep the floors and bully her in various ways. She soon left to become a hostess at a karaoke bar. About 200 women worked there, and the venue had about 60 private karaoke rooms in it. Generally, groups of men will come to a venue together, and rent a private room. Once they are settled into their room, a waiter will come take their drink orders, and a madam will come in with about a dozen girls. They will all line up in front of the customers, who will each pick one from the line as their hostess for the evening. The remaining women will file back out. When Ying Yi first started the work, she "didn't understand it at all, and it felt really strange to just stand there in a line waiting for clients to order you." The word she used for "order" (*dian*—点) is the same one used for ordering dishes in a restaurant. Other interviews also used the food analogy to describe the karaoke venue selection process. Jing Fen explains that:

> It feels like being at the market (*cai shichang*—*菜市场*). We stand in the room as if we were produce vendors at the market. If the client doesn't choose you then you need to discretely be on your way. The rejection really makes your heart ache. After a while you get used to it.[458]

There was prostitution in Ying Yi's venue, but the police never came specifically to inspect for it. Instead, they would come to carry out various safety inspections. They would also come to the venue as clients. In a month, she reported earning about 5,000

[453] Sex Worker Interview 6, August 20, 2009.
[454] Sex Worker Interview 7, August 20, 2009.
[455] Sex Worker Interview 3, August 20, 2009.
[456] Sex Worker Interview 4, August 20, 2009. Intrauterine devices (IUDs) were the only contraceptive method she had been exposed to in her rural hometown.
[457] Sex Worker Interview 4, August 23, 2009.
[458] Sex Worker Interview 2, August 16, 2009.

yuan (800 USD). She rarely wears condoms with clients: she explained to me that they are all good people, and she will not have sex with clients she thinks are not good. She regularly gets health checkups. She is knowledgeable about AIDS, which she has learned about mainly through listening to other people talk about it.

Demographic Characteristics of Low and Middle-Tier Sex Workers

The narratives of Xiao Li and the women of Xicheng Park on the one hand, and Ying Yi on the other, highlight some differences between the women working in low-tier versus middle-tier prostitution. Their work venues and experiences differ, as do their interactions with the police and various health practices. A comparison of some of the basic demographic characteristics of these two groups provides a more systematic understanding of some of the key ways in which women in these two types of venues do and do not vary, with a focus on their age, levels of education, marital status and migratory patterns.

Venue Breakdown

Sex workers are in low-tier prostitution if they report currently working in a sauna (桑拿), bathhouse (洗浴中心), massage parlor (按摩院), hair salon (发廊), nail salon (美甲店), or on the street (站街).[459] Women whose primary work location is an entertainment venue (娱乐场所) are considered middle-tier sex workers. The table below shows the number of survey respondents in each venue type.

Prostitution Tier	Primary Work Location	Number of Respondents (N=565)
Low Tier (N=55)	Sauna/Bathhouse	1
	Massage Parlor/Hair Salon/Nail Salon	11
	On the Street	17
	Refused to Answer/Don't Know[460]	26
Middle Tier (N=510)	Entertainment Venue	510

Table 4.1. Current Work Location of Sex Worker Survey Respondents

Low-tier sex workers constitute slightly less than 10 percent of my sample. The remaining 90 percent all work in middle-tier karaoke venues. While respondents could select multiple current sex industry work locations, only six respondents reported

[459] In the sex worker survey, 25 respondents refused to answer this question. They are most likely streetwalkers, and in my data analysis I create one variable that includes them as low-tier sex workers, and another one that excludes them from either category. I run tests with both. In several cases, the surveyor knew that they solicit on the streets from either the recruitment location, or supplementary information from the community center that facilitated the survey. Stigma is greatest for these women, who cannot mask their participation in prostitution behind other forms of employment, which may have led them to hesitate to identify their work location.

[460] As noted in the previous footnote, I combine this category with streetwalkers in my data analysis.

working in both a middle tier and a low tier venue.[461] This absence of overlap suggests that at a given point in time, these tiers are clearly delimited, with very little movement across them.[462]

Over time, movement of sex workers between low- and middle-tier venues also appears limited. Thirty nine percent of survey participants had previously worked in a prostitution venue different from their current place of employment. Yet only 9 respondents moved from a low-tier venue to a middle-tier one, and no respondents transitioned from a middle-tier space to a low-tier one.

Age

The mean age of the women in my sample was 30. The average reported age of low-tier sex workers was 33. The youngest was 19, and the oldest was 51. Women in the middle-tier reported an average age of 30, and ranged from 17 to 46 years old. The age difference across prostitution venues is statistically significant.[463] Streetwalkers, such as those soliciting in Xicheng Park whom I describe in the introduction of this chapter, were frequently the oldest sex workers with whom I interacted. Their average age was 36, in contrast to 33 for women in massage parlors. The entry barriers are lowest for women who solicit on the streets—they do not need approval from pimps, madams, or venue owners to work. As older women are often less desirable than their younger colleagues, their only option might be to work on the streets. Other low-tier venues, such as Mei Jie's brothel, have gatekeepers, who select their employees. The women working there tend to be younger.

The age at which sex workers first enter into prostitution varies. In my sample, study participants were on average 27 years old when they had started selling sex. The youngest first entered prostitution at the age of 13, and the oldest had started at age 45. In the low tier, they had started, on average, when they were 29 years old. The mean age for starting to sell sex was 34 for streetwalkers, versus 28 years old for women working in massage parlors/hair salons. In the middle tier, the mean age for entering the sex industry was 27. The difference in mean ages between low and middle-tier sex workers is statistically significant.[464]

Similarly, the length of time during which these women sell sex varies widely. The three least experienced of my survey respondents had been engaging in prostitution for less than three days. The most experienced had been doing so for 20 years. On

[461] Five respondents worked in both a karaoke venue and a massage parlor, and one worked in a karaoke venue and a sauna.

[462] The one venue that I asked respondents about, yet excluded from a tiered categorization, was hotels. I neglected to specify different classes of hotels in my responses. Since they span a range of tiers, I was thus unable to use those responses to identify the type of prostitution in which the respondent engages. Only 3 respondents identified hotels as their only place of work, so the concrete effects of this oversight are limited.

[463] In a two-sample t test with unequal variances, $p=.01$.

[464] In a two-sample t test with unequal variances, $p=.02$.

average, survey participants had been selling sex for 2.3 years, with no significant differences across prostitution tiers. Grouped together, low-tier sex workers had been engaging in prostitution for an average of 29 months (2.4 years). Broken down by tiers and types of venues, streetwalkers had been working for an average of 27 months (2.3 years), and women in massage parlors had been doing so for 20 months (1.7 years). Middle-tier women had been working in the sex industry for an average of 27 months (2.3 years).

Regardless of the type of prostitution in which they engage, the length of time these women actually work in this industry far exceeds their predictions on that point. When I asked interviewees about their plans for the future, they would generally tell me that they were only engaging in prostitution temporarily, until they had saved up more money. They wanted to move back to their hometown in a few months, or one or two years at most. They planned to buy a house for themselves and their parents, open a small store, restaurant, or legitimate beauty salon, and raise their children.

Sex workers often consider low-tier prostitution as less attractive than working in a karaoke venue. Pimps and madams of low-tier venues thus focus on recruiting younger women and girls, who are most vulnerable and impressionable. Testimonies from women who entered the low-tier sex industry in this manner clarify the process through which gatekeepers recruit vulnerable girls. Jia Qing is from Hebei province. She stopped attending school after sixth grade, and worked in the fields. Her parents were divorced. She lived with her father and stepmother, who had another daughter. Her stepmother did not like her, and would frequently marginalize her and forbid her from socializing with other people. When Jia Qing was 15, she decided to run away. A 19-year-old contact, Xiao Xue, and that person's boyfriend arranged for the three of them to go to Shijiazhuang, the capital of Hebei, and told Jia Qing that they could find work for her in a restaurant that would also feed and house her. She trusted Xiao Xue because their mothers had been close friends. When Xiao Xue brought her to the venue in Shijiazhuang, things took a turn for the worse. The venue turned out to be a brothel. She was not given a proper living space. Instead, she had to sleep on the floor. They did not give Xiao Xue proper food—just one steamed bun (*mantou—馒头*) per day. If she tried to eat several, her handlers would get really angry. As Jia Qing told me her story, her hatred towards Xiao Xue, who turned out to be a trafficker who often lured young girls from their hometown into prostitution, was palpable. She would pause every few sentences, and repeat: "Xiao Xue was so horrible to us" (*Xiao Xue dui women tebie cha—小雪对我们特别差*). At the brothel, Xiao Xue took all of her money. She described to Jia Qing having spread the word to everyone in their village that Jia Qing was now "working as a whore" (*zuo jinü—做妓女*), and that everyone was "cursing her for being a whore" (*dou ma wo shi jinü —都骂我是妓女*). Since then, Jia Qing has never dared return to her hometown. When Xiao Xue and her boyfriend told her she would have to sell sex to clients, she tried to escape, but could not. When the two of them told Jia Qing that she had to earn money for them, she protested, and they beat her and broke her nose. When she started selling sex, they took all her earnings. She thought about going to the police, but Xiao Xue preempted her. "'Go ahead, give them a call, report to the police. You're a sex worker. They'll also arrest you,'" recounted Jia Qing. She eventually

escaped enslavement, and when I interviewed her she was working in a karaoke venue in Beijing.[465]

Qing Lai had a similarly heartrending story. She is from the countryside outside of Chongqing. Her good-for-nothing father (*haochilanzuo—好吃懒做*) would beat her mother on a daily basis. He was not contributing to the household income, so when she was 12, she dropped out of school and started working (not in the sex industry). When she was 17, job recruiters came to her hometown, saying they could find her a job as a waitress. They would feed her and provide her clothes, and she would earn up to 2,000 yuan (320 USD) a month. The recruiters brought several girls from her hometown to Beijing together, all of whom were also young. Some of the older, more savvy ones (*dade dongshi—大的懂事*) got wind of the reality of what they had been recruited for during the trip, and managed to escape. Yet in Qing Lai's words, she was "completely clueless" (*wo hai shenme dou bu dong—我还什么都不懂*). When she got to Beijing, the recruiters brought her to a madam. They told her that if she wanted to get paid, she would have to have sell sex. The madam sold her virginity to a client for 10,000 to 20,000 yuan (1,600 to 3,200 USD). The client took her to dinner first. At the time, she did not even speak Mandarin, a detail that underscores the extent of her vulnerability. While it is the official language, local dialects are spoken throughout China. Uneducated individuals who live in more isolated, remote areas do not learn it. The client then brought her to a hotel, where she used an elevator for the first time in her life. She recounts the rest of the experience as follows:

> It was only once I entered the room and saw the bed that I realized that I had been sold. He was more than 30 years old. It was no different from being raped. I was so young. I cried the whole time. Then he called someone to come take me away. When I got back I just couldn't stop sobbing. I couldn't run away.

After that first experience with a client, her gatekeepers continued to keep her closely under their control. "They followed me to the venue where I worked," she explained, and "did whatever they wanted to me" (*tamen xiang dui wo zenme zuo jiu zenme zuo—他们想对我怎么做就怎么做*). Her ordeal continued:

> The second time [I had to have sex with a client] they wanted me to pretend [I was a virgin]. They put something into my vagina. They forced me to pretend I was a virgin. The guy believed it. Afterwards, it felt all rotten inside. I had to go to the hospital, it was all stinky. The third time they made me pretend again. They beat and yelled at me, but I refused. I ran away in the middle of the night, but I didn't have any money. They caught me and brought me back. Two weeks later, they made me go back to the venue to work. I had to pretend again. But afterwards I would always bleed down there...One day they were playing cards. I stole their card money, and ran away. I slept in the forest for two or three days.

[465] Sex Worker Interview 5, August 22, 2009.

> When I got hungry, I would buy food from a vendor nearby, and then I would go back to the forest to sleep.

From there, Qing Lai sought the help of an old woman she had met in one of the venues where she had worked. The woman took her in. While she did not force her to sell sex, she made her host clients in a karaoke venue, and hand over most of her earnings. But a madam at that venue then forced her to sleep with clients. When she started bleeding again and could not take clients, the madam fined her. She had to go back to the hospital because of the bleeding, which required painful surgery. Throughout her captivity, she had no direct contact with her parents. Her trafficker knew her mother, and would call her regularly to claim that she was doing fine. Once she left and was able to contact her parents, she did not tell them any of this. She rented a room and started selling sex independently, so that she could send money back home to support her family, and be a filial daughter to her mother, whose husband continued to beat her mercilessly.[466]

Jia Qing and Qing Lai are the only two who shared personal stories of trafficking with me.[467] Most of the women I interviewed had instead willingly entered into prostitution, knowledgeable of the realities of the profession, and expressed agency about the entire process. That said, many more described hearing of forced prostitution second hand. As one sex worker explained it to me:

> If a woman doesn't want to sell sex, in some brothels they will yell at her, even beat her, they control her completely. In some cases, other people will bring sex workers in from their hometown, give them to a boss for a few hundred or a thousand yuan, and then leave. But those girls are in a new environment, they are clueless, can't do anything, and have nowhere else to go. They just have to do this.[468]

It is the gatekeepers in these types of venues who specifically seek out younger employees. In the words of another informant:

> Some bosses have really strong backing, open four to five brothels, and maintain several sex workers. They are harsh managers, and require the women to work from 9am to midnight. Those girls are mostly brought in from the boss's hometown. In those cases, the girls range from 18, 19 to 22 or 23 years old. They don't want sex workers who are older than 25.[469]

These are both accurate portrayals of the personal experiences of Jia Qing and Qing Lai,

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[466] Sex Worker Interview 2, August 26, 2009.

[467] The sex worker survey did not ask whether or not the participant had initially been forced into prostitution. None of the women whom I interviewed over the course of my fieldwork were currently in situations of complete slavery—they all could have left their gatekeepers with no repercussions. These situations exist, as indicated by the testimony of women who had previously experienced them, but it would have been difficult to gain access to such women. That said, I did encounter coercive dynamics between gatekeepers and low-tier sex workers, where the women seemed to comply with their madam or pimp's every instruction regardless of their personal preferences.

[468] Sex Worker Interview 5, August 24, 2009.

[469] Sex Worker Interview 4, August 24, 2009.

and suggest that their situations are not uncommon.

Education

Education in China is mandatory through middle school, and the state reports an 80 percent rate of graduation from middle school. Education rates of women in my sample closely reflect national patterns, with 78 percent of respondents graduating from middle school or above. The table below provides a more detailed breakdown of these women's education levels.

Education Level	Percent
None	1
Some Primary	3
Primary Graduate	10
Some Middle School	7
Middle School Graduate	47
Some High School	3
High School Graduate	17
Technical School Graduate[470]	8
University or Higher	3

Table 4.2 Education Level of Low-Tier Sex Workers

While 22 percent of middle-tier sex worker respondents did not complete mandatory levels of education, these rates rise to 36 percent for low-tier respondents. These differences are statistically significant, and suggest that women working in low-tier venues are generally less educated than their middle-tier peers.[471] That said, age does not appear to vary across levels of education. The average age for survey participants was 30, regardless of whether or not they had completed mandatory attendance through middle school.

Marriage, Migratory Patterns, and Children

Of surveyed sex workers, 60 percent reported currently being married. Responses to this question did not vary across tier of prostitution. The average age of non-married respondents was 26, and the average age of married respondents was 32. This difference is statistically significant.[472] These marital rates might seem high, particularly as prostitution and marriage are sometimes considered incompatible.[473] This assumption

[470] The technical school system is divided into three tiers, which parallel middle school, high school, and university. I am not able to distinguish between these three ranks for my survey respondents.

[471] A Fisher's exact test yields a p-value of .105, and a 1-sided Fisher's exact yields of p-value of .077. In conducting this test, I dropped those respondents who did not self-report the venue in which they work.

[472] The p-value for a two-sample t-test here is .000.

[473] Economists Edlund and Korn, for example, posit that "a woman cannot be both a prostitute and a wife." They rely on this observation to explain the following puzzle: why is prostitution so well paid, when it is a profession that is low-skill, labor intensive, and dominated by women? Their answer is that "prostitution must pay better than other jobs to compensate for the opportunity cost of forgone marriage market

does not hold when considering China's sex industry. In rare cases, the husbands of the women I interviewed are actively aware that their wives sell sex.[474] Song Ling lives with her husband in Beijing. He knows that she sells sex. He gets particularly upset when she comes home late, so she tries to return from work early. She also reminds him that she does this to earn money so that they can have a better life in the future.[475] Qing Yu grew up in Inner Mongolia—her parents met and remained there when both of them had been sent to the countryside during the Cultural Revolution. She moved to Beijing to find work, ended up in the sex industry, and met her husband because he was the driver for one of her regular clients. They returned to Inner Mongolia when they got married, but moved back to Beijing after a few years, to improve their employment prospects. They first left their now eight-year-old daughter behind with her mother. Now, the three of them share a home, along with her husband's child from his first marriage. Yet she also rents a separate apartment where she entertains clients, since "it would be a bad influence on our children." Her rental apartment is her primary residence. Every week or two, she returns to her family, "to live the life of a married couple, and see my kids" (过过夫妻生活，看看孩子). Despite what her living arrangement and profession might suggest, she is very committed to her marriage, and believes in the institution. As she explains:

> Whatever you do, don't get emotionally invested in a client. When we are done with work for the day and go back home, we return to our normal life, with our husbands and kids. When you have a problem, the only person who is really going to help you is your own husband. A client is just a client. You can't reject your husband and kids for a client and take off with him. That is the principle that I follow.

She has been arrested for prostitution several times. On one such occasion they contacted her husband, and told them that they would release her for 5,000 yuan (800 USD). Her husband was eager to pay, but she refused: "I know how difficult it is for me to earn this money, it's really hard work." Instead, she opted to spend seven days in administrative detention.[476]

More commonly, the husbands of sex workers do not know that their wives engage in prostitution, or might be presented with indications of prostitution that they prefer to ignore. These latter possibilities occur frequently because of sex worker migratory patterns in China. Only three of the survey participants were originally from Beijing. The others all came to Beijing from 22 provinces throughout China. The table below displays the number of respondents according to their province of origin.

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earnings." Lena Edlund and Evelyn Korn, "A Theory of Prostitution," *The Journal of Political Economy* 110, no. 1 (2002): 181–214.

[474] A husband could also pimp his wife. I did not encounter any such situation in my research.

[475] Sex Worker Interview 1, August 23, 2009.

[476] Sex Worker Interview 1, August 26, 2009.

Province	Number of Respondents (N=564)
Heilongjiang	101
Hainan	4
Jilin	62
Liaoning	49
Beijing	3
Gansu	13
Tianjin	2
Shaanxi	17
Shanxi	8
Chongqing	48
Hebei	37
Sichuan	57
Inner Mongolia	11
Hubei	28
Henan	37
Shandong	20
Guangxi	2
Anhui	16
Jiangsu	6
Guizhou	7
Hunan	32
Jiangxi	1
Zhejiang	3

Table 4.3 Number of Survey Respondents According to Province of Origin

While a cluster of participants come from provinces that neighbor Beijing, this table makes clear that migration occurs from across China for women in the sex industry.

Yet in addition to being migrants, these are women who often migrate without their husbands. About 15 percent of the married surveyed sex workers (51 respondents) were currently living with their husbands. Alternatively, they lived alone (43%), with friends or family (9%), other sex workers (20%), or with boyfriends (13%). A common migratory pattern in China—not restricted to sex workers--is for spouses to migrate to different cities, or for one spouse to stay in the couple's hometown, and the other to leave for work. In such situations, any children the couple has would generally stay in the couple's hometown, raised by the couple's parents and/or the parent who remained behind. Of the surveyed women, 60 percent had at least one child. 25 respondents had two children, 3 had 3 children, and one respondent had 5 children. As discussed in Chapter Two, these would not necessarily have constituted violations of the one-child policy. That said, it is rare to encounter a Chinese citizen with five children. While about 72 percent of low-tier sex workers had at least one child, only 60 percent of middle-tier respondents had at least one. This difference is statistically significant, and underscores a pattern wherein low-tier sex workers who, as noted above, also tend to be older, are more likely to have a child.[477]

[477] A Fisher's exact test yields a p-value of .116, and a 1-sided Fisher's exact yields of p-value of .07.

Sex workers who have migrated without their husbands generally tell them that they work as waitresses/service personnel (*fuwuyuan—服务员*). These are couples that typically only see each other once a year, when they return home for Chinese New Year. In such circumstances, a husband would not be exposed to direct evidence that his wife was selling sex. Indirect signs might still abound, in particular with respect to her income, which would seem high for a service worker. Yet such hints may be easier to ignore than to confront. Ming Jia explained how she and her colleagues try to shield their husbands and other family members from their profession:

> Some of us have kids and husbands, and sell sex behind their back. We accumulate a lot of money, and every month just bring out 1,000 yuan (160 USD) and say that it is earnings from our regular job. Then, when there's a real problem we take out more, and just say that someone else lent it to us…I do this behind my husband's back, and tell him I work in a proper hair salon. I feel like I am letting him down. But I do this so that I don't have to watch my son have fewer opportunities than other people.[478]

Such conflicting feelings of guilt combined with an expressed desire to better support their families permeated the narratives of the women I interviewed.

These women rarely engage in prostitution prior to migrating away from their hometown, given their desire to maintain anonymity as sex workers. They also rarely migrate with the specific intent to sell sex. Instead, they tend to first engage in other types of service or factory work, and gradually transition into prostitution.[479] Survey respondents, for example, had migrated to Beijing an average of almost four years (45 months) prior to participating in the study. The most recent had arrived 3 days prior to participating in the survey, and the earliest had arrived in 1986. On average, they had arrived at the age of 26, with low tier sex workers arriving on average at age 28, and middle-tier respondents doing so on average at age 26. This difference is statistically significant.[480] Only 43 respondents had engaged in prostitution prior to or right upon arriving in Beijing.

Sexual Behaviors and Health of Low- and Middle-Tier Sex Workers

In addition to a number of basic demographic differences between low and middle-tier sex workers, these are groups whose sexual behaviors and health also vary in important ways.

[478] Sex Worker Interview 4, August 24, 2009.
[479] This pattern does not apply to women such as Jia Qing and Qing Lai discussed above, who were trafficked into prostitution.
[480] The p-value for a two-sample t-test with unequal variance here is .05.

Sexual Behaviors

Prior to starting this research, I had assumed that sex workers would be most reluctant to discuss specific sexual experiences, their entry into the sex industry, violent and abusive interactions with clients, madams, or the police, and their relationships with family members, including whether or not they were married and had children. Yet as the testimonies and survey data contained in these pages reveal, sex workers spoke freely on such issues.[481] Instead, of all the questions I discussed with sex workers, they were most reluctant to disclose the number of clients they had, and the amount they were paid per sexual transaction. They were generally very hesitant to volunteer information around questions that asked them to quantify their sexual transactions. When my research team first piloted the survey in Shenzhen, we struggled to recruit participants. Mei Jie, the madam from the introduction of this chapter, suggested that we remove those questions. Even though respondents knew that they were free to refuse to answer any questions, word was spreading that we were asking about numbers of clients and payment, which was dissuading sex workers from participating.[482] We ended up conducting the survey in Beijing, and recruited participants through a community outreach center. They were a trusted presence in the red light district, which seemed to reduce the effect of specific questions on actual turnout and willingness to participate. That said, this approach did not appear to translate into accurate responses to these two questions.

In my in-depth interviews, sex workers tended to initially dodge my inquiries about numbers of clients and earnings. When I asked about clients (*keren*—客人), they would frequently respond that they would only have sex with men whom they considered as "friends" (*pengyou*—朋友), "familiar clients" (*shu ke*—熟客), "familiar people" (*shu ren*—熟人), or "partners" (*duixiang*—对象). The term "partners" is particularly confusing, as it usually refers to one long-term, committed romantic relationship. Yet respondents were not using it that way. Xiao Yun, for example, talked of a peer with five "partners," each of whom gives her 2-3,000 yuan per month.[483] While she specifically stayed away from the term, this is a clear description of prostitution.

For middle-tier sex workers, these might be clients with whom they had danced, sung, drunk and talked at their karaoke venue. The interactions might last for a few minutes, or many hours over the course of several evenings, before a sexual transaction occurred. Yu Han described how quickly this process can occur: "the two lock eyes, talk

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[481] To hear additional voices of sex workers on those topics, see Margaret L. Boittin, "New Perspectives from the Oldest Profession: Abuse and the Legal Consciousness of Sex Workers in China," *Law & Society Review* 47, no. 2 (2013): 245–78.

[482] Sex Worker Interview 5, August 22, 2009. We ended up conducting the survey in Beijing, and recruited participants through a community outreach center. They were a trusted presence in the red light district, which seemed to reduce the effect of specific questions on actual turnout and willingness to participate. That said, this approach did not appear to translate into accurate responses to these two questions.

[483] Sex Worker Interview 1, August 15, 2009.

to each other easily, take a fancy to each other, and go get a room."[484] This process might only last a couple of minutes. Yet its different moving parts—visual connection, conversation, and emotional bonding—transform it, in sex workers' eyes, into much more than paid sex with someone whom they do not know. As Yu Han then concludes her explanation, "sisters generally won't go out with a stranger."[485] Bing Bing describes a similar unfolding of events:

> We normally won't go out [have sex] the first time, with a stranger. Clients also won't make that request the first time. We'll do it once we have exchanged ideas and communicated, once we share a common language. One person has material wealth. The other one provides spiritual sustenance. The two people take mutual advantage of each other, help each other out, cheer each other on, they care for each other's lives. It is rare to have situations that are just about straight-up sex.[486]

Fang Ting described her interactions with clients as follows: "they treat me like a brother, we have a really good relationship."[487] While the analogy is somewhat awkward, it underscores the "special emotional connection" Fang Ting feels she establishes with the men who purchase sex from her. Similarly, Xia Fei describes her clients as people she "knows well (*shuxi*—熟悉), can talk to easily, has positive feelings towards (*you ganjue*—有感觉), and has hosted three to five times."[488] This perception of friendship translates directly into confusion around accepting money for sex. Xiao Ting notes: "I am embarrassed to ask for money from clients, since they are all my good friends, so after we've done it they just give as much as they want."[489] These are all men who she has hosted four or five times, whom she says she understands, knows well, and towards whom she has feelings. Yu Han echoed an even more extreme version of this, where "some people [sex workers] only go out when they both fancy each other, and then they don't want money."[490] The women I spoke with repeatedly used the following terms in discussing clients: know well (*shuxi*—熟悉), have positive feelings about (*you ganjue*—有感觉，*you ganqing*—有感情), and understand (*liaojie*—了解). Yun Ting was particularly reluctant to frame her activities as prostitution. She eventually mentioned that "there are women who become friends with [entertainment venue] clients they know."[491] With that, we were able to have a fruitful conversation in which I simply used the term "friends" in order to learn more about her own experiences in the sex industry. For low-tier sex workers, who generally do not have the opportunity to provide non-sexual services to clients, the term "friend" was used to emphasize the fact that they had

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[484] Sex Worker Interview 5, August 16, 2009.
[485] Sex workers generally refer to their peers as "sisters" (*jiemei*—姐妹).
[486] Sex Worker Interview 2, August 15, 2009.
[487] Sex Worker Interview 2, August 22, 2009.
[488] Sex Worker Interview 3, August 21, 2009.
[489] Sex Worker Interview 2, August 21, 2009.
[490] Sex Worker Interview 5, August 16, 2009. The term "go out" (*chu qu*—出去) is a euphemism here for sexual transaction.
[491] Sex Worker Interview 1, August 20, 2009.

established some sort of personal connection with the man who was paying them for sex. Mei Mei, who works in a hair salon, explained that she "only gives special services for especially good clients, who have money, and who I have a good feeling about."[492]

Regardless of the venues in which they worked, the women with whom I spoke consistently defined themselves against their image of an actual "prostitute" (*jinü*—妓女)—someone who is paid for a one-time sexual encounter with a complete stranger with whom they establish absolutely no human rapport whatsoever other than a physical sex act. Jia Qing, one of the girls trafficked to Beijing who refused to return to her village because her trafficker had told everyone that she was working as a sex worker, made the following request when I asked her whether she wished the government would provide sex workers with any support:

> People shouldn't say that a *xiaojie* is a whore (*ji*—鸡). Many *xiaojie* are not whores. I wish [the government] could tell everyone that a *xiaojie* is different from a whore. That way, people in my village wouldn't call me a whore.[493]

Similarly, Bing Bing, who works in a middle-tier venue, explained: "I would be terrified of straight-up prostituting myself; that is really horrible."[494] Zi Han noted:

> On television shows that take place in ancient China, everyone despises the brothel prostitutes. People nowadays imagine that *xiaojie* are that type of prostitute.[495]

Repeatedly, the women I spoke with denied being involved in "prostitution" (*maiyin*—卖淫). Xiao Yang explained that in her venue, she had "never seen any prostitution, only heard about it."[496] Yet she then went on to say that "when a client wants to leave with you (*chutai*—出台), he'll generally say, 'I like you, why don't you come home with me. I won't treat you poorly.'"[497] In her mind, what she had described was unrelated to the concept of prostitution. Bing Bing also drew a thick line between the activities in which she and her peers engage, and prostitution. "There's no [prostitution] here. But there are people who make friends and find partners," she notes.[498] Xiao Wen saw the connection more clearly, yet also made a distinction:

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[492] Sex Worker Interview 1, August 24, 2009. The term "special services" (*teshu fuwu*—特殊服务) is a frequently-used euphemism for prostitution.

[493] As noted in the introduction, *xiaojie,* which translates literally as "miss," is the euphemism commonly used to refer to sex worker. The term that she used, which literally means "chicken," is extremely derogatory and translates as "whore."

[494] Sex Worker Interview 2, August 15, 2009.

[495] Sex Worker Interview 1, August 16, 2009.

[496] Sex Worker Interview 2, August 18, 2009.

[497] Sex Worker Interview 2, August 18, 2009.

[498] Sex Worker Interview 2, August 15, 2009.

> There's no prostitution here in the sense of a client openly saying he needs a specific type of person, but there are people who go out (*chuqu*—出去) with clients. Usually they'll go out with familiar clients who they have hosted 8 to 10 times, once they understand him, and it's like they are friends. They leave with you (*chutai*—出台) once they've built a foundation of mutual understanding. People don't go straight from hosting someone (*zuotai*—坐台) to leaving with them (*chutai*—出台). There are no straight-up sexual transactions.[499]

When asked to quantify the number of sexual transactions they have, and the amount of money they receive for each one, women like Jia Qing, Bing Bing, and Zi Han have no choice but to momentarily confront the stark reality that they in fact do generate income from the exchange of sex for money, just like in the brothels of ancient China depicted in television shows. In their own eyes, this makes them common whores. Presented with this blunt portrayal of their actions, they prefer to disclose lower numbers of clients, to create an impression of minimal engagement in prostitution. Similarly, they report inflated fees per transaction, in order to project an image of high self-worth: if they are going to recognize what they are doing, they want to make it seem like they place great value on themselves.

For these reasons, I am skeptical of the accuracy of the survey responses sex workers provided for questions about numbers of clients and earnings per transaction. In addition to the factors that generally might lead a sex worker to misrepresent information about her sexual behavior, external circumstances specific to the time and place at which we conducted the survey might also have contributed to low client averages and high payment per transaction. Both during and in the weeks preceding administration of the survey, the police had announced a targeted prostitution crackdown in Beijing. This campaign reduced the demand for prostitution in the neighborhood. It also led sex workers to discriminate more before accepting clients, in order to reduce the risk of arrest. When they did take clients, they could charge more because of the heightened danger.

The survey results suggest that low-tier sex workers appear to be more likely to have a larger number of clients. In order to reduce the stigma around this question, we provided sex workers with ranges to select, rather than ask them to report a specific number. For this reason, I report below the modes (the ranges selected most frequently) in response to inquiries on the number of clients the respondent had in the preceding week, and preceding month. The mode was the same for both low and middle-tier sex workers in response to the question on how many clients they had in the preceding week. In both categories, participants were most likely to have reported having 1 to 2 clients. The second most frequent response for both categories was no clients, followed by 3 to 5 clients. The highest range selected was 15 to 20 clients, which two low-tier and one

[499] Sex Worker Interview 2, August 17, 2009.

middle-tier sex workers reported.[500] Within each category of low-tier prostitution, the reported mode is also 1 to 2 clients. The table below displays these results for each venue.

Venue Type	No Clients	1-2 Clients	3-5 Clients	5-8 Clients	8-10 Clients	15-20 Clients
Sauna/Bathhouse	184	269	54	3	1	1
Massage Parlor/Hair Salon/Nail Salon	2	1	1	1	0	1
On the Street	3	8	4	0	1	0
Refused to Answer	7	10	7	1	0	1
Total	**196**	**288**	**102**	**5**	**2**	**3**

Table 4.4 Reported Number of Clients in Preceding Week for Sex Workers, According to Venue Type

When asked to report how many clients they might have in a month, the mode for low-tier sex workers is higher than that for middle-tier respondents. The reported mode for women in the middle-tier was 1 to 2 clients. The reported mode for women working in low-tier venues was 3 to 5 clients. The table below shows all of these results for each type of venue.

Venue Type	No Clients	1-2 Clients	3-5 Clients	5-8 Clients	8-10 Clients	15-20 Clients	20-25 Clients	26-30 Clients	51-70 Clients
Sauna/Bathhouse	30	201	176	60	23	17	3	0	0
Massage Parlor/Hair Salon/Nail Salon	1	0	1	0	0	1	2	0	1
On the Street	0	3	6	3	0	3	1	0	0
Refused to Answer	2	7	6	2	2	1	1	1	1
Total	**33**	**211**	**189**	**65**	**25**	**22**	**7**	**1**	**2**

Table 4.5 Reported Number of Clients in Preceding Month for Sex Workers, According to Venue Type

Although responses to the weekly number of clients do not highlight any cross-tier differences, the monthly ones do. In contrast to the question that asked respondents about the previous week's clients, the police crackdown would not have affected these responses, which asked about the number of clients they usually have in one month.[501] Overall, both the weekly and monthly modes seem low. Yet relative to each other, with lower numbers of clients for women working in karaoke venues, the monthly reported ranges accurately reflect the understanding that low-tier sex workers have more clients.

[500] These patterns remain the same for a low-tier category that either includes or excludes those respondents who did not specify their work location.

[501] The wording for the weekly question was: "How many clients did you have last week?" (上个星期，你跟多少个客人出台?). The wording for the monthly question was: "About how many clients do you have in a month?" (那一般一个月你跟多少个客人出台?)

Reported earnings from the last paid sexual transaction of surveyed sex workers follow a similar pattern: while they seem high, they appear accurate in relation to each other, with women in the low tier reporting lower earnings than those in karaoke venues. The average reported payment for middle-tier respondents' most recent sexual transaction was 648 yuan (103 USD). It ranged from 0 to 3,000 yuan (480 USD), with a standard deviation of 356 yuan (57 USD). The reported mean for low-tier respondents was 432 yuan (70 USD), about two-thirds of the average amount their karaoke venue counterparts said they earned. These women reported a minimum payment of 0 yuan and a maximum of 1000 (160 USD), with a standard deviation of 281 yuan (45 USD). These cross-tier differences are statistically significant.[502] Within low-tier venues, streetwalkers on average reported being paid 340 yuan (55 USD) for their most recent transaction, and women in massage parlors reported being paid 320 (52 USD) yuan. Those who did not identify with a specific venue reported a mean payment of 488 (79 USD) yuan.

My in-depth interviews, combined with my overall immersion in communities of sex workers, suggest that survey respondents systematically over-reported their earnings. As I discuss above, the women I interviewed made all sorts of mental contortions around the concept of prostitution. If, as with the survey respondents, these had been one-off interactions where I had asked, "How many clients did you have last week," and "How much did you earn last time you were with a client?" written down their initial response, and moved on, I expect the answers would have looked similar to those from my survey. Yet my interviews were instead more prolonged interactions. I had spent several months interacting with many of these women informally, and we had become comfortable with each other. When they would talk about friends instead of clients, I could then ask how many friends they had seen in the previous week, and from there ask about money. Streetwalkers appear to actually earn a few dozen to about 200 yuan per client (about 3 to 32 USD). Sex workers soliciting in hair salons and saunas would earn 100 to 300 per client (16 to 48 USD). Women working in karaoke venues generally get paid about 200 to 500 for one transaction (32 to 80 USD).

My fieldwork suggests that there exists a great deal of variation around a sex worker's number of clients. The low-tier women whom I observed in Shenzhen and Beijing usually had several clients a day. Prostitution was their only source of income. By contrast, women working in karaoke venues have another possible source of income. In addition to the money they earn from selling sex, they also get tips (*xiaofei*—小费) from the customers they host in their karaoke venues, when they drink, dance, and talk with them. It was thus not uncommon for me to speak with middle-tier sex workers who might have only 5 or 6 prostitution transactions in any given week, depending on their hostessing income. The standard tip amount in these middle-tier venues is usually 100 or 200 yuan. Yet in order to actually earn a tip, two events must occur. First, from the often dozens of hostesses in a venue, the client must select one hostess. It is not unusual for a

[502] The p-value for a two-sample t-test with unequal variance here is .000. If I drop those who did not specify their current work venue from the sample, the mean for low-tier sex workers goes down from 432 yuan (70 USD) to 375 yuan (60 USD). The difference between middle and low tiers continues to be statistically significant (p=.000).

hostess to spend an entire evening without a client asking her to entertain him. Second, once she has spent sometimes five or six hours by his side, he must then decide to actually tip her. My informants had countless stories of instances in which they endured hours with a particularly difficult client. He might have forced them to drink themselves sick, and made them endure all sorts of unwanted sexual advances. Throughout, they would just grin and bear it, reminding themselves of the tip they would get once it was all done. Then, after hours at the karaoke venue, the client would pay the bill for room rental, food, and drink, and leave without tipping her. As hostesses, the karaoke venue does not pay them anything in addition to the client tip they might receive. If he does not pay her, they thus endure such humiliations for naught. The unpredictable income flow from hostessing can thus affect the number of clients a sex worker accepts in a given week.[503]

The additional income that hostesses can earn, while not provided in exchange for sexual intercourse, is closely tied to it. It can be a precursor to the client soliciting sex. It can involve sexual acts. Women who work in low-tier venues do not have access to this source of revenue. They could earn money in other ways not tied to the sex industry-- for sex workers in any tier, prostitution is sometimes only one of many activities in which they engage to earn income. This was not the case for the women I observed and surveyed in China. Only one of the low-tier survey participants reported currently working in other industries, as a legitimate hair dresser. Similarly, the women working in karaoke venues hardly ever also worked in an unrelated field. Two of them cut hair. One was a student. Two worked in an office. Fifteen worked in a small shop. Overwhelmingly, these are women for whom prostitution is their sole professional activity.

Estimates of monthly income are hard to establish from the survey responses, given the unreliability of reports on numbers of clients and payments per sexual transaction. My qualitative work provides a better sense of these ranges. Most of the low-tier women working in Xicheng Park reported earning 2-3,000 yuan (320-480 USD) per month. Those in middle-tier venues in Beijing reported earnings that varied widely each month, from 3,000 to 10,000 yuan (480-1,600 USD). These amounts vastly surpass what they might earn if they were not selling sex. Non-prostitution job opportunities for these women include employment in factories, as well as restaurant, retail, and domestic service work. Average monthly salary for those jobs would be a couple hundred yuan.[504] Jing Ming went from earning 600 yuan per month as a nanny/housekeeper (*ayi—阿姨*), to 3,400 yuan in her first month selling sex in a karaoke venue. She remembered the figure "very clearly," because it was so much more than she had ever earned in a month before.[505] Ting Ting earned 1,000 yuan a month (160 USD) cutting hair at a legitimate

[503] To be clear, I am not suggesting that sex workers privilege hostessing over selling sex. The women I interviewed have a whole range of views with respect to the virtues and vices of working in different types of prostitution venues. For example, some women prefer not to hostess as this requires that they smoke and drink, and they worry about the health effects of such behaviors.

[504] Ye Zhang, "Hope for China's Migrant Women Workers," *China Business Review*, 2002, http://www.chinabusinessreview.com/public/0205/ye.html.

[505] Sex Worker Interview 6, August 23, 2009.

hair salon in her hometown in Hubei province, and saw her monthly income increase ten-fold to 10,000 yuan (1,600 USD) as a sex worker in an entertainment venue.[506]

Sexual Health

Low-tier sex workers are more at risk of HIV/AIDS infection than their middle-tier colleagues. Available data shows that they have higher rates of infection, and their knowledge and behavior reflects those trends.

Higher Infection Rates

The most powerful evidence of increased danger for HIV/AIDS amongst low-tier sex workers comes from HIV/AIDS testing results that show higher rates of HIV amongst women who solicit on the streets and in non-karaoke venues.[507] A study conducted in the city of Kaiyuan, in Yunnan province, found that the HIV infection rate for streetwalkers was 25.8 percent. Sex workers in beauty salons and saunas had infection rates of 15.7 percent and 10.8 percent, respectively. Hostesses selling sex in karaoke venues had an infection rate of 5.9 percent.[508] A study conducted in six cities in southern China found an HIV prevalence rate of 1.37 percent for streetwalkers, in contrast to 0.28 percent for women in hair salons, and 0.07 percent for women in karaoke venues.[509] It is difficult to make any claims about the representativeness of these data. As the two examples cited above suggest, the range of infection rates varies significantly across studies. That said, findings that consistently identify higher infection rates for low-tier women suggest an overall pattern whose direction seems reasonable.

Low Knowledge, Unsafe Behaviors

Lower levels of STD knowledge and riskier behaviors amongst low-tier sex workers serve as additional evidence in support of the infection patterns identified above. These patterns come through in the knowledge and behavior of survey respondents, which also echo the findings of other public health studies on sex workers in China.

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[506] Sex Worker Interview 2, August 23, 2009.

[507] Haibo Wang et al., "Prevalence and Predictors of HIV Infection among Female Sex Workers in Kaiyuan City, Yunnan Province, China," *International Journal of Infectious Diseases* 13, no. 2 (2009): 162–69; Xiangsheng Chen, Yueping Yin, and Ning Jiang, "Was the HIV Infection Burden in Female Sex Workers in China Overestimated?," *The Lancet Infectious Diseases* 13, no. 1 (2013): 13, doi:10.1016/S1473-3099(12)70298-0; Xiang-Sheng Chen et al., "HIV Prevalence Varies between Female Sex Workers from Different Types of Venues in Southern China," *Sexually Transmitted Diseases* 39, no. 11 (November 2012): 868–70, doi:10.1097/OLQ.0b013e318264c3ba; Bang-Yong Zhu et al., "Epidemiology of Sexually Transmitted Infections, HIV, and Related High-Risk Behaviors Among Female Sex Workers in Guangxi Autonomous Region, China," *Japanese Journal of Infectious Diseases* 65, no. 1 (2012): 75–78.

[508] Wang et al., "Prevalence and Predictors of HIV Infection among Female Sex Workers in Kaiyuan City, Yunnan Province, China," 162, 164, 167.

[509] Chen et al., "HIV Prevalence Varies between Female Sex Workers from Different Types of Venues in Southern China."

Low-tier sex worker survey participants were less likely than middle-tier women to have gotten a general health check up in the preceding year. While 68 percent of karaoke venue women had gotten one, only 54 percent of low-tier sex workers had. These differences are statistically significant.[510] The table below shows what these checkup rates are within each type of prostitution.[511]

Venue Type	Percentage of Sex Workers	Number of Sex Workers
Karaoke Venue	68%	136
Hair Salon	67%	4
Street	40%	4
No Answer	52%	12

Table 4.6 Percentage of Sex Workers Who Got a Health Check Up in the Past Year, by Type of Venue

The overall magnitude of these checkup rates might seem high. Yet in addition to legitimate, state-certified medical services, sex workers also have access to underground health care clinics, many of which provide services in red light districts.[512] These rates are comparable to those that sex workers in other parts of China have reported.[513] The overall reported number of annual health checkups also varied across prostitution tiers, and ranged from 1 to 12. Of those respondents who had at least one checkup, women in the low-tier had an average of 1.3, versus 1.6 for women in the middle-tier of prostitution. These differences are statistically significant.[514]

General knowledge of sexually transmitted diseases (STDs) was extremely high for all survey participants. Amongst middle-tier sex workers, 93 percent had heard that there are diseases that can be transmitted sexually. An even greater proportion of low-

[510] A Fisher's exact test yields a p-value of .106, and a 1-sided Fisher's exact yields of p-value of .066.

[511] While the total sample size for the sex worker survey was 568, only 240 of them received the health-related questions. The health questions were part of a module for a field experiment in which only a subsample of my population participated. The experiment randomly assigned participants to receive either a small incentive (equivalent to 1 USD) or a large incentive (equivalent to 15 USD) for getting an HIV test. The larger incentive increased HIV/AIDS testing rates by 42 percent, on average. Margaret L. Boittin, "Incentives, Fear of Arrest, and HIV/AIDS: Evidence from a Randomized Field Experiment Amongst Sex Workers in China."

[512] Staff at these clinics provide questionable care. As noted in the introduction of this chapter, Xiao Li talked to a provider at one such center who told her she did not have to wear a condom as long as she rinsed herself off properly after having sex.

[513] A study of prostitution in Sichuan and Yunnan provinces conducted in 2001 and 2002 found that 62% of karaoke venue sex workers, 61% of beauty salon women, and 47% of streetwalkers had had a health check up in the previous year.Horizon Market Research and Futures Group Europe, "2001 Behavioural Surveillance Survey in Yunnan and Sichuan. Sex Worker Report," Horizon Market Research (Beijing, China, 2002). I consider this to be one of the most reliable, large-scale surveys of sex workers in China. It surveyed 403 sex workers in Yunnan, and 408 in Sichuan. It was the product of collaboration between Futures Group Europe, a consulting organization with expertise in global health, and the Chinese market research firm Horizon Research.

[514] The p-value for a two-sample t-test with unequal variances is .06. If we exclude women who did not self-report their place of employment from the low-tier, these differences are still statistically significant.

tier sex workers--98 percent--were aware that this could occur. While these differences are not statistically significant, they do not support the overall claim that low-tier sex workers are less knowledgeable than those in karaoke venues. Basic knowledge of HIV/AIDS was also extremely high. Amongst middle-tier sex workers, 99 percent had heard of HIV and AIDS. For low-tier sex workers, 93 percent had heard of it. This difference is statistically significant.[515] The figure below shows this breakdown by venue type.

Venue Type	Percentage of Sex Workers Who Had Heard of HIV/AIDS	Number of Sex Workers Who Had Heard of HIV/AIDS
Karaoke Venue	99%	200
Hair Salon	83%	5
Street	90%	9
No Answer	96%	22

Table 4.7 Percentage of Sex Workers Who Had Heard of HIV/AIDS, by Type of Venue

Streetwalkers are generally considered to have the lowest levels of knowledge about safe sex. That is not the case for the women who participated in my survey, who had higher general knowledge of HIV/AIDS than their counterparts in massage parlors. Given the small number of women in my sample who are low-tier sex workers, and the fact that we did not sample survey participants randomly, this finding is not generalizable. With respect to basic knowledge of both STDs and HIV/AIDS, the rates from my study are comparable to those others have found.[516] That said, such high rates of general knowledge do not necessarily translate into an understanding of how to prevent HIV/AIDS transmission. When asked a standard battery of specific questions on HIV/AIDS, a 2008 CDC study found that karaoke hostesses scored a 72 percent, hair salon women scored 66 percent, and streetwalkers scored 48 percent.[517]

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[515] A Fisher's exact test yields a p-value of .035, and a 1-sided Fisher's exact also yields of p-value of .035.

[516] The Horizon study cited above found that for karaoke venues, 97 percent of respondents had heard that diseases could be transmitted sexually, and 90 percent had heard of HIV/AIDS. For women working in hair salons, 94 percent knew about STDs, and 99 percent had heard of HIV/AIDS. For streetwalkers, 93 percent had heard about STDs, and 100 percent had heard of HIV/AIDS. This study found that general knowledge of HIV/AIDS actually increased for women in lower tiers of prostitution.

[517] UNFPA China, "Aizibing Xingwei Jiance Xiangmu Fenxi Baogao Dingliang Diaocha Baogao 2008 (Chugao) 艾滋病行为监测项目分析报告 定量调查报告 2008(初稿) [AIDS Behavioral Surveillance Report: A Quantitative Research Report 2008 (First Draft)]" (UNFPA China, 2008), 7. The battery included the following questions: Can someone who looks healthy be a carrier of HIV?; Can you be infected with HIV through blood, or blood products?; If you share a needle with someone who has HIV, can you become infected?; If you properly use a condom every time you have sex, can you reduce the risk of HIV/AIDS infection?; If you have a sexual partner who does not have HIV/AIDS, does that reduce your risk of HIV/AIDS infection?; Can a pregnant woman with HIV/AIDS transmit the virus to her child?; Can you become infected with HIV/AIDS by sharing a meal with someone who has HIV/AIDS? Can you get HIV/AIDS through a mosquito bite?.

In the survey, low-tier sex workers perceived of their own chance of having HIV/AIDS as higher than middle-tier women. When asked whether they thought their chance of being infected with HIV/AIDS was high, low, or average, 12 percent of karaoke women thought their chances of currently having HIV were average or high, and 29 percent of low-tier women thought as much. These differences are statistically significant.[518] These differences are starker when examining the breakdown by type of venue, with 31 percent of sex workers in hair salons or on the street assessing their risk of having HIV/AIDS as average or high.

In line with this general pattern of higher risk of HIV/AIDS for low-tier sex workers, these women were less likely to have ever previously gotten an HIV/AIDS test. The difference is minimal, and not statistically significant, when looking at the aggregated category of low-tier women: 23 percent of them had previously gotten a test, in contrast to 26 percent of women in karaoke venues. These behavioral variations come across more starkly when examining each type of venue, as displayed in the figure below.

Venue Type	Percentage of Sex Workers With Previous AIDS Test	Number of Sex Workers with Previous AIDS Test
Karaoke Venue	26%	52 (N=201)
Hair Salon	0%	0 (N=6)
Street	30%	3 (N=10)
No Answer	23%	5 (N=22)

Table 4.8 Percentage of Sex Workers Who Previously Got an HIV/AIDS Test, by Type of Venue

While none of the women working in hair salons had previously gotten tested, a larger percentage of streetwalkers than karaoke hostesses had done so. These high testing rates for streetwalkers are likely due to the manner in which we recruited them for the study. Overall, the community center staff enlisted participants by word of mouth at the main karaoke venues and beauty salons in the neighborhood. They might have one contact at the venue whom they personally knew, who would then share the information with other colleagues who might not be familiar with the center. Communities of streetwalkers are smaller, so center staff individually contacted streetwalkers with whom they had previously interacted. As the center focuses its efforts on health outreach, the streetwalkers with whom they work would be more likely to have gotten an HIV test than others.[519] Low-tier sex workers in my survey also displayed greater reluctance to request an HIV/AIDS test in the future. Specifically, when randomly assigned to receive a small or large gift if they went to a local hospital for an HIV test, only 26 percent of low-tier

[518] A Fisher's exact test yields a p-value of .05. These percentages exclude from the low tier women who did not self-identify their place of work.

[519] The Horizon study findings are more representative. In their sample, 12 percent of hostesses had previously gotten a test, in contrast to 10 percent of hair salon sex workers and 4 percent of streetwalkers. Horizon Market Research and Futures Group Europe, "2001 Behavioural Surveillance Survey in Yunnan and Sichuan. Sex Worker Report," 40.

sex workers responded, in contrast to 60 percent of karaoke venue women.[520] The patterns that the field experiment highlights thus further underscore the heightened health risks of low-tier sex workers.

As noted earlier, low-tier sex workers have more clients than their middle-tier counterparts. Combined with their higher-risk behaviors, this increases the public health threat that this type of prostitution poses for the spread of HIV/AIDS.

Conclusion

This chapter draws on qualitative and survey data to provide a descriptive overview of sex workers in the low and middle tiers in China. I highlight differences in the work environments of women selling sex on the streets and in massage parlors, versus in karaoke venues. I show that boundaries between these two tiers are relatively fixed, with women rarely crossing over from one tier to the next. Low-tier women tend to be older, and start selling sex slightly later in life. They are less educated. They have more clients, and get paid less per sexual transaction. They have higher infection rates of HIV/AIDS, generally have less knowledge about STDs and HIV, and do not engage in as much safe sex behavior such as health checkups and HIV tests. As discussed in Chapters Five and Six, the state does not take these health differences into consideration when implementing its health outreach. Instead, it focuses its efforts on traditional law enforcement in the low tier, and a combination of police accommodation and misplaced health outreach in the middle tier.

[520] Margaret Boittin, "Incentives, Fear of Arrest, and HIV/AIDS: Evidence from a Randomized Field Experiment Amongst Sex Workers in China" 2015.

Chapter Five: State Interventions into the Lives of Low-Tier Sex Workers--Primacy of the Police

Introduction

The experiences of the women in Mei Jie's brothel and Xicheng Park, introduced at the beginning of Chapter Four, illustrate broader trends that characterize women who work in the lowest tiers of the sex industry, and the state interventions that affect them. This chapter explores these state interventions more systematically. As shown in Chapter Four, low tier sex workers are at high risk of HIV/AIDS infection. Yet they are seldom the object of independent state health interventions. By contrast, the police target them for arrest. In this rung of prostitution, these two types of state interventions come together within the custody and education system (C&E), where health workers depend upon police incarceration of sex workers for whatever outreach they do. Commercial concerns do not figure prominently into the decisions of state actors for low-tier prostitution, which does not play an important role in the local economy. This is a chapter about the primacy of the police, who act the way one expects them to in a place where prostitution is against the law. It highlights the direct effects they have on sex workers, by arresting and incarcerating them. It also underscores the indirect effects that law enforcement has on these women: the reason it is so difficult for health officials to reach low-tier sex workers in the community is because of sex worker fear of the police. Finally, the police play a dominant role in some inter-agency dynamics: they serve as gatekeepers on which health workers must depend to access incarcerated sex workers.

Limited Health Interventions for Low-Tier Sex Workers

Despite the patterns discussed in Chapter Four, showing that low tier sex workers have higher rates of HIV infection, lower knowledge of STDs, and higher risk behaviors, the state rarely focuses its testing and outreach health efforts on these women. There is nothing surprising about the observation that low-tier women in the sex industry know less about HIV, are more likely to engage in unsafe sexual behavior, and have higher HIV/AIDS rates. However, the failure of China's health officials to focus their efforts on this category of prostitution is more counterintuitive. As noted in Chapter Three, Chinese CDC policy recognizes the importance of targeting low-tier women for testing and outreach. Yet in actuality, state health officials neglect these sex workers.

In some cases, state health officials have themselves been open about weaknesses in their implementation practices. An employee of the National Population and Family Planning Commission who works on that agency's sex worker outreach projects explained to me:

> "The commercial sex workers who need the outreach on AIDS education are the lowest class ones—the ones in far away, obscure places. But people do not want to go there to do outreach. It is easy to go to venues such as

> nightclubs (夜总会), but much more complicated to get access to those other women."[521]

A staff member at one municipal CDC acknowledged to me that "we do female sex work surveillance, but we do not have a good program."[522] She then proceeded to describe an implementation system focused entirely on entertainment venues. Her CDC is considered a model for the entire country, with a highly trained and competent staff. To hear that even her branch of the CDC does not focus its efforts on reaching those women most in need leaves little hope around the question of how other CDCs perform their sex work outreach. CDC officials have even acknowledged these shortcomings in writings published in prominent outlets. In 2013, researchers at the National Center for STD Control, part of the CDC, published a letter in the medical journal *The Lancet* in which they noted that "female sex workers from low-tier or middle-tier sex establishments are less well represented in the present surveillance programme in China than are those from high-tier establishments."[523] The CDC is thus openly recognizing that they focus their efforts on women in venues such as karaoke bars.

Outside observers who work closely with Chinese health officials echo these observations. A foreigner working within the China CDC noted that the agency "mostly does entertainment center outreach stuff" in their prostitution programs.[524] A foreign prostitution health and rights activist who works with groups throughout China remarked that "people do not do outreach with streetwalkers."[525] The head of a domestic network of sex worker activists, who works closely with the Shanghai CDC, explained to me that in his experience, "the CDC does venues, but no one does streetwalkers."[526] An employee of an international organization who works on the 100% CUP (Condom Use Program) with national and local CDC branches evaluated it as follows:

> The question of its success depends on how you define 100% CUP. If it is in EEs [entertainment establishments, a term synonymous with karaoke venues] with a mami [madam], that is one thing…[But] street-based sex workers are very under-researched…That is where the 100% CUP program is weak.[527]

These testimonies confirm the patterns that Chinese health officials also recognize.

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[521] Interview 58, April 2, 2009. Nightclubs are a venue-type similar to karaoke bars.
[522] Interview 75, April 28, 2009.
[523] Xiang-Sheng Chen, Yue-Ping Yin, and Ning Jiang, "Was the HIV Infection Burden in Female Sex Workers in China Overestimated?," *The Lancet Infectious Diseases* 13, no. 1 (January 2013): 13. The authors define high-tier establishments as karaoke bars and hotels, middle-tier establishments as beauty or hair salons, barber shops, massage and foot massage parlors, and low-tier establishments as the street and outdoor public places. When they say there is a focus on high-tier establishments, they are therefore referring to the same venues that, for the purposes of my research, are in the middle tier.
[524] Interview 172, September 2, 2009.
[525] Interview 95, January 15, 2009.
[526] Interview 63, April 16, 2009.
[527] Interview 108, August 14, 2009.

When health officials do actually target low-tier sex workers, the process appears to only weakly mirror best practices for reducing HIV/AIDS transmission. With respect to actual HIV/AIDS testing, it occurs almost exclusively in incarceration institutions, through collaboration between policing and health agencies explored further on in this chapter.[528] It is mandatory, and occurs in a climate of oppression and inequality. These factors are unlikely to foster behavioral changes that might reduce sex worker vulnerability to HIV/AIDS infection. State-sponsored outreach within communities of low-tier sex workers is also of questionable quality. A health official in Shenzhen invited me to observe her weekly round of outreach. Along with her colleagues, she presented the project as integral to their comprehensive implementation of national guidelines, and showed me data on the number of women they had reached through their efforts. This was data they reported both to higher-level health bureaus, as well as a foreign NGO that was funding the project. I prepared myself for a late night of educational workshops on HIV/AIDS transmission, negotiating condom use with clients, and local resources for health care. Instead, I met the health official in a park in Shenzhen. She made a phone call, and a few minutes later a madam appeared. My contact handed the madam a large bag of condoms, and then we each went our separate ways. The next day back at the health bureau, I pushed to clarify my understanding of their outreach program, and learned that they equate number of sex workers reached with the amount of condoms they distribute. The previous night's bag of condom exchange went down in the books as outreach with 500 sex workers.

While the sex workers most in need of interventions are being overlooked, their karaoke venue colleagues are the focus of health agency testing and outreach. Chapter Six examines this middle-tier activity in greater depth, and explores the reasons for an imbalance that does not prioritize the state's health goals around prostitution. Instead of receiving much-needed health attention from the state, women in the low tier find themselves to be the focus of law enforcement interventions.

Policing the Lowest Tier

> *When you're constantly walking alongside the river, how can you avoid getting your feet wet?*[529]

Qing Yu laughed at the seeming naiveté of my question about whether or not she had ever encountered the police since she had first started selling sex 11 years prior to our conversation. As a woman who solicits both on the streets and in fake beauty salons, when the police enforce anti-prostitution regulations they target women like her. Low-tier sex workers are the easiest to locate, as they do not simultaneously engage in legitimate hostess activities. The police physically remove them from the streets, rather than from within the confines of entertainment venues whose activities, while known, are

[528] Through 2003, sentinel surveillance of all sex workers occurred exclusively in detention centers. Yujiang Jia et al., "Sources of Data for Improved Surveillance of HIV/AIDS in China," *The Southeast Asian Journal of Tropical Medicine and Public Health* 38, no. 6 (November 2007): 7. Since then, as described in Chapter Six, surveillance policies also formally include sex workers in the community.
[529] Sex Worker Interview 1, August 26, 2009. 常在河边走，怎能不湿脚呢？

not visible from the streets. Such targeting thus creates an immediate visual impact of neighborhoods temporarily swept of vice. Law enforcement has a free hand within this tier of prostitution. There are no gatekeepers who might frustrate easy access to these women. In addition, the police need not fear interfering with local economic interests and upsetting powerful stakeholders in this realm, an issue that is instead crucial to any decisions to crack down on middle-tier entertainment venues.

Qing Yu is the sex worker from Chapter Four whose husband knows that she sells sex, and who maintains an apartment separate from her family for clients. One of her arrests occurred in Beijing on July 25, 2008. She brought a client back to her apartment at around 10pm. He got undressed and was taking a shower, while she tidied up her room. All of a sudden, three or four police officers knocked on her door. She figured it was the police because, while she let a few other sex workers use her apartment, they all had keys to let themselves in. With the police shouting, pounding on the door and threatening to force it open, she told her client to get out of the shower and get dressed. Two of them were undercover cops, and a third was an "assistant" police officer (*xiejing—协警*).[530] They told Qing Yu that a neighbor reported that she often came home with men. They then brought her and her client to the local police station. They separated the two of them, made them squat, interrogated them, and took down their written testimony.[531] The client was fairly young—27 years old—and inexperienced with evading law enforcement. He admitted everything, including the agreed-upon price for their sexual transaction. They spent the night at the police station. The next day, the police took them both to a health clinic for a physical exam. They were checked for STDs and HIV/AIDS, and she was also given a pregnancy test. The clinic was affiliated with the district detention center (Qing Yu referred to it interchangeably as either *kanshousuo* and *juliusuo*), and was thus full of people whose feet were shackled together.[532] They were then locked up in the district detention center for a few hours, and transported to a larger detention center just outside of Beijing. They were both incarcerated there for seven days, for "failed attempt at prostitution" (*maiyin weisui—卖淫未遂*).

Qing Yu moved to another apartment after that incident, but a few months later had another police encounter. This time, she and her client had exchanged real names. If they were caught, this measure would make it easier for them to disprove an accusation of prostitution. A police officer knocked on her door, and found the client wearing only his boxers. They told him they were friends, and shared their real names. The law enforcement agent accused Qing Yu of lying and started insulting her. When he checked their ID cards and saw that the client was 59 years old, he commented on how she would apparently do anything for money, even sleep with old guys (*laotou—老头*). He then warned her that if he came across her again in this situation, he would lock her up for six months. He proceeded to go through everything in her house, and confiscated all her

[530] This chapter further explores the role of these assistant police officers below.
[531] Making detainees squat (**蹲着**) is a form of humiliation and torture that Chinese law enforcement uses.
[532] As discussed in Chapter Three, my informants frequently used these terms interchangeably, which highlights the blurring of boundaries between these various institutions. In Qing Yu's case, the *kanshousuo* and the *juliusuo* in that district of Beijing appear to be physically located at the same address.

CDs. When he came across her condoms, he asked how many she used each day, and demanded she tell him her total number of sexual partners.[533]

In addition to listening to low-tier sex workers share their experiences of arrest, I also witnessed this occur in Shenzhen, as I recounted in the introduction of Chapter One. By driving around the main square and pulling women off the streets and into the van, the police were targeting low-tier sex workers, who were much more likely to be on the streets than the women working in the neighborhood karaoke bars. Law enforcement was explicitly not disrupting the activities that occur in the karaoke bars. Otherwise, they would have organized an intervention that took them into those venues. As additional evidence of their intent, they said as much to one of the sex workers whom they arrested and released the following day. On the drive over from the red light district to the police station, they told the women in their custody not to worry, that they just needed to meet their monthly arrest target, and that they would not hold them for long.[534]

Focus on the Lowest Tier

Qing Yu's testimony and the police crackdown I witnessed illustrate a broadly entrenched pattern wherein the police systematically target low-tier sex workers for arrest. Evidence of this comes through in the surveys of both sex workers and the police, as well as through interviews and secondary sources.

Sex Worker Views

Sex workers in low-tier venues were more likely to report frequent police inspection than their counterparts in the middle-tier.[535] While 35 percent of low-tier survey respondents reported frequent police inspections, only 16 percent of middle-tier sex workers did so. This difference is statistically significant.[536] Broken down by type of low-tier venue, half of the respondents working in massage parlors reported frequent inspections, and 36 percent of streetwalkers did so, as did 37 percent of individuals who did not specifically identify their place of work. In contrast, only 16 percent of karaoke venue hostesses reported frequent inspections.

Low tier sex workers were also more likely to have been arrested by the police. Overall, five percent of all surveyed sex workers reported having been arrested (31 respondents). While 16 percent of low-tier women had been arrested, only 4 percent of middle-tier women had experienced incarceration. This difference is statistically significant.[537] Limited variation exists looking across different types of low-tier

[533] Sex Worker Interview 1, August 26, 2009.
[534] Field Notes, November 13, 2009.
[535] The question asked was: "In the past year, how many times did the police come to your place of work?" I defined "frequent" as: once a week; 2 to 3 times a week; several times a week; or came every day. I defined "infrequent" as: never came; more or less once a month; a few times a year; or once a year.
[536] A Fisher's exact test yields a p-value of .004.
[537] The p-value for a Fisher's exact is .001. When dropping those who did not identify their place of work from the low-tier, the percentage of arrested low-tier sex workers increases to 17 percent, and the cross-class differences remain statistically significant (p=.01).

prostitution: 16 percent of women in massage parlors (1 respondent), 18 percent of streetwalkers (3 respondents), and 16 percent of those who did not specify their place of work reported having been arrested. While 71 percent of respondents (21 sex workers) had been arrested once, another 21 percent (6 individuals) had been arrested twice. One participant had been arrested three times, and another reported three to four arrest experiences. Frequency of arrest did not vary across tier of prostitution.

The table below displays the overall types of punishments to which arrested sex workers were subject.

Type of Punishment	Number of Sex Workers
No Punishment	5
Fine	5
Short-Term Detention (*juliu*)	10
Fine and Short-Term Detention	1
Custody and Education	1
Reform Through Labor	0

Table 5.1: Types of Punishments Arrested Sex Workers Reported Receiving

Fined survey respondents paid an average of about 1466 yuan (237 dollars) in fines, ranging from 50 to 5000 yuan (8 to 807 USD). Those who experienced short-term detention were incarcerated for an average of four days, ranging from a few hours to two weeks. The respondent sentenced to custody and education was incarcerated for six months. These punishments are not all mutually exclusive. One respondent reported being both fined and experiencing short-term detention.

When comparing punishments across tiers, of those arrested who received no punishment, 25 percent were low-tier, and 19 percent were in the middle tier. Of those fined, 14 percent (1 respondent) were in the low-tier and 31 percent were in the middle tier.[538] The low-tier respondent paid a 500 yuan (81 USD) fine, and those in the middle-tier were fined an average of 1,660 yuan (268 USD). These differences in my sample reflect a priori expectations. Low-tier women are less likely to be fined, as they have less money. For the same reason, when they are fined, they are unlikely to pay as much as middle-tier sex workers. With respect to arrested respondents who were punished with short-term detention, 43 percent were in the low-tier, versus 50 percent in the middle tier. These differences are not statistically significant, nor are there any differences across tiers with respect to the length of short-term detention. No other tier-related patterns appear prominent when comparing punishments of low and middle tier sex workers.

Police Survey Views

Police survey responses echo the reports of sex workers with respect to targeting of the lowest tier. Importantly, this police survey is small (N=88), non-representative, and,

[538] When removing those respondents who did not self-identify as low-tier sex workers, none of those fined are in the low-tier.

as it was conducted in a small city in southern China, did not take place in the same location as the sex worker survey. Yet the patterns it suggests serve to reinforce the overall findings of the other data sources presented here.

The police acknowledged the presence of prostitution in a wide range of different types of venues. When asked to identify the three types of venues where sex workers are most likely to work in this Southern city, law enforcement officers singled out low, middle, and elite spaces.[539] Specifically, 38 percent of respondents identified low-tier saunas and bathhouses as the type of venue most likely to have sex workers, 18 percent singled out luxury karaoke venues, and 13 percent selected low-tier massage parlors/hair salons. When respondents were asked to identify the spaces second-most likely to have sex workers, 28 percent selected low-tier massage parlors/hair salons, 27 percent selected low-tier saunas/bathhouses, and 15 percent selected middle and low-tier karaoke venues. In third place, police respondents first selected low-tier massage parlors/hair salons (23 percent), followed by streetwalker spaces (15 percent), and middle and low-tier karaoke venues (14 percent). Overall, the three venues most frequently identified in the top three categories of presence of sex workers are two low-tier types of venues—saunas/ bathhouses and massage parlors/hair salons, and one elite one—luxury karaoke venues. These responses suggest that prostitution occurs in a wide variety of different types and tiers of spaces in the city.

Yet when then asked in which types of spaces sex workers and clients are most likely to be arrested in their city, the police overwhelmingly report a focus on low-tier venues, with limited attention to other types of spaces.[540] Police officers were most likely to identify low-tier saunas/bathhouses as the venue in which sex workers and clients are most likely arrested (34 percent), followed by low-tier massage parlors/hair salons (28 percent), and low and middle tier karaoke venues (18 percent). In second place, low tier saunas/bathhouses and massage parlors/hair salons were equally likely to be identified as the venues in which sex workers and clients were most commonly targeted (28 percent), followed by low and middle-tier karaoke venues (16 percent). In third place, respondents were most likely to select low- and middle-tier karaoke venues (21 percent), followed by two low-tier venue types: streetwalker areas, and rented rooms (both 14 percent). Overall in these three categories, low-tier saunas/bathhouses, massage parlors/hair salons, and middle and low-tier karaoke venues are the three places where sex workers and clients are most likely arrested. The law enforcement survey continues to highlight a pattern of focus on low-tier venues in response to a question pertaining to which businesses are

[539] The question asked was: "The following places are all spaces where sex workers might work. According to you, and in this city, which are the three types of venues where sex workers are most likely to be found?" The answer choices included: luxury karaoke venues; middle- and low-tier karaoke venues; luxury hotels; middle- and low-tier hotels; saunas/bathhouses; massage parlors/hair salons/nail salons; places with streetwalkers; small rented rooms. (下列这些地点可能是小姐工作的场所。据您所知,在您所在的城市里，三个最常见的卖淫女工作场所是什么? 1. 高档娱乐场所 2. 中低档娱乐场所 3. 高档酒店 4. 中低档酒店 5. 桑拿/洗浴中心 6. 按摩院/发廊/美甲店 7. 有站街女的地方 8. 出租屋.)

[540] The question asked was: "In your city, in which venues are sex workers and clients often caught?" The answer choices are the same as for the previous question on places where these women work. (在您所在城市，小姐、顾客通常在哪些场所被查处?).

most likely to be punished for harboring prostitution activities.[541] Respondents identified massage parlors/hair salons as most likely to be targeted (54 percent), followed by low-tier saunas/bathhouses (27 percent) and karaoke venues (10 percent). In second place, they note low-tier saunas/bathhouses (36 percent), followed by massage parlors/hair salons (30 percent), and rented rooms (21 percent). Overall, middle tier karaoke venues were least likely to be identified as a police target, and massage parlors/hair salons and saunas/bathhouses were most likely to be a focus of law enforcement.

With respect to the types of sanctions with which the police reported sanctioning sex workers, fines were surprisingly the most common. The table below shows the relative frequency with which they used various punishments.[542]

Type of Punishment	**Frequency of Punishment (Average of 1-10 Scale)**[543]
Warning (*jinggao*)	3.9
Fine	7.8
Short-Term Detention (*juliu*)	5.6
Custody and Education (*shourong*)	3
Re-Education through Labor (*laojiao*)	3.2

Table 5.2: Relative Frequency of Punishments Police Report for Sex Workers

This prevalence of fines reflects neither the sex worker survey responses, where short-term detention was most prevalent, nor the overall qualitative data that suggests that low-tier sex workers are less likely to be fined. That said, while the police reported arresting low-tier sex workers more than middle-tier ones, this question did not specifically ask about tier-based differences in sanctions.

Qualitative Evidence

My interviews confirmed the survey findings of increased arrests of streetwalkers and women working in hair salons and massage parlors. Chinese sex worker researchers in both Beijing and Shanghai underscored this pattern.[544] Cab drivers, who are generally fairly familiar with prostitution in their cities and frequently have arrangements with specific brothels to which they will bring customers who say they are "looking for girls" (*zhao xiaojie*—找小姐), consistently warned me of the arrest dangers tied to hair

[541] The question asked was: Which of the following three businesses are most frequently punished? (下列哪三种营业场所被取缔的次数最多.)
[542] The question was worded as follows: "In your city, what is the frequency of the following types of punishments for sex workers? 1=most infrequently used, 10=most frequently used." (在您所在城市内，对小姐的处罚中, 请按次序填写各种处罚方式的使用情况： 1＝最不常用，10＝最常用).
[543] For each type of punishment, respondents were asked to select a number from 1 to 10 to indicate the frequency of its occurrence in the city. The number in this column reflects the mean response for each type of punishment.
[544] Interview 64, April 16, 2009. Interview 59, April 3, 2009. Interview 67, April 17, 2009.

salons.[545] In listening to the conversations about prostitution of the police officers whom I shadowed, they seemed to take it as a given that their objects of attention were women in hair salons.[546] They also noted that anyone with social stature (*diwei*—地位) would not solicit sex in a hair salon because of their increased risk of being caught.[547]

This focus on low-tier sex workers is one that others conducting research on prostitution in China have also observed. Choi, in her analysis of shifting state discourse on prostitution from the sex worker as victim to victimizer in a medium-sized city in southwestern China, observes that local governments selectively enforce national orders on prostitution.[548] As a result, "the most vulnerable section of the sex industry, such as drug-using sex workers and streetwalkers, often become the prime target of police arrests."[549] In its report on sex worker custody and education, the organization Asia Catalyst notes that "low-tier sex workers are the most likely to be targeted" in law enforcement operations such as "strike hard" and "anti-vice" campaigns.[550] A survey of 348 sex workers in Beijing in 2008 found that women in the low tier were two to four times more likely to have been arrested than middle-tier sex workers.[551] A study of the effects of anti-prostitution campaigns in 12 cities in 2010 noted that they disproportionately affected streetwalkers.[552]

Unsurprisingly, increased risk of arrest in the low tier appears to be a pattern for sex workers beyond China as well. As noted in Chapter One, the police in San Francisco acknowledge following similar enforcement practices.[553] Studies in other countries also observe this occurrence. Throughout the world, low-tier sex workers experience disproportionate amounts of arrest while living in regulatory regimes where the content of prostitution laws should in theory result in equivalent risks of arrests for sex workers

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[545] I would frequently start such conversations by explaining that an out –of-town friend of mine was coming to visit soon, and had asked me to inquire about where he should go to "find girls." Field Notes March 27, 2009, March 31, 2009, and April 1, 2009.
[546] Field Notes, August 6, 2009.
[547] Field Notes, August 6, 2009.
[548] Yujiang Jia et al., "Sources of Data for Improved Surveillance of HIV/AIDS in China," *The Southeast Asian Journal of Tropical Medicine and Public Health* 38, no. 6 (November 2007): 7.
[549] Ibid., 102.
[550] Asia Catalyst, "'Custody and Education': Arbitrary Detention for Female Sex Workers in China," December 2013, 15. As I discuss in Chapter 6, strike hard and anti-vice campaigns are actually the types of anti-prostitution enforcement activities that are more likely to include women in middle-tier prostitution. That said, the Asia Catalyst's observation of disproportionate focus on the low tier still stands.
[551] Huso Yi et al., "A Profile of HIV Risk Factors in the Context of Sex Work Environments Among Migrant Female Sex Workers in Beijing, China," *Psychology, Health & Medicine* 15, no. 2 (March 1, 2010): 172–87. This study reported that 62% of streetwalkers had been arrested, in contrast to 30% of women in hair salons and beauty parlors, and 15% of women in karaoke venues and nightclubs.
[552] Cai Lingping 蔡凌萍, "Research on the Impact of 2010 Crackdown on Sex Work and HIV Interventions in China 2010 年严打对性工作与艾滋病防治影响研究" (The China Sex Worker Organization Network Forum 中国性工作者机构网络平台, 2011), 20, http://asiacatalyst.org/blog/2012/01/2010%E4%B8%A5%E6%89%93%E6%8A%A5%E5%91%8A%E7%94%B5%E5%AD%90%E7%89%88_%28%E5%B7%B2%E6%8E%92%E7%89%88%29.pdf.
[553] Interview 189, July 11, 2013.

and clients.[554] These parallels are important because they underscore a realm in which the Chinese police make strategic enforcement decisions that very much reflect the behavior of their counterparts in democratic environments.

Drivers of Enforcement within the Lower Tiers

While the police focus their attention on low-tier sex workers, within that realm a number of immediate factors precipitate enforcement decisions. According to the police survey respondents, the two main instigators of increased crackdowns over the course of a year are orders from above, and important national or local events.[555] The chart below displays the percentage of police respondents who identified the following reasons for increased enforcement over the course of a year.

Enforcement Reason	**Percentage of Respondents (N=54)**
National or Local Event (ie Spring Festival)	40
Personal Decision of Police Officer	4
Higher-Ranked Authorities Instruct us to Increase Crackdowns	43
Increase in Prostitution	13
Increase in Social Problems Tied to Prostitution	37
Increase in Neighborhood Complaints around Prostitution	13

Table 5.3: Reasons for Changes in Enforcement Rates over the Course of One Year

These responses show that within this area of law enforcement, a police officer's personal initiative plays hardly any role in policing decisions. They also underscore how peripheral the actual occurrence of prostitution is to these decisions, an observation that supports part of the overall argument throughout this study that decisions around the enforcement of prostitution regulations have little relation to the official policing policy of reducing the incidence of prostitution. Only 13 percent of respondents cited an increase in prostitution as motivating any enforcement changes, and the same proportion of respondents acknowledged responding to citizen complaints about the phenomenon. In contrast, when an increase in social order crimes associated with prostitution occurs (such as drug trafficking, human trafficking, murder), since these are problems for which the police are accountable, they are quick to intervene, with 37 percent of respondents noting that an increase in such problems leads them to increase their enforcement of prostitution regulations.

In addition to asking about reasons for changed enforcement patterns over the course of a year, the surveyed police officers also ranked the reasons behind their

[554] Miranda Mazariegos, "Prostitution Arrests Reveal Gender Bias," *Daily Trojan*, February 17, 2015, http://dailytrojan.com/2015/02/17/prostitution-arrests-reveal-gender-bias/.
[555] The question asked here was: "If the rate of cracking down changes over the course of the year, which of the following reasons explain those changes?" (如果你们的打击力度在一年中有所变化，可能的原因是:).

decisions to crack down on prostitution.[556] The table below presents the prevalence of these various reasons.

Reason for Cracking Down on Prostitution[557]	Importance of the Reason (Average of 1-10 Scale)
1. I personally decide I should do it	5.7
2. Pressure from local citizens	5.3
3. Someone (external to the sex industry) reported prostitution	6.6
4. Pressure from the media	6.4
5. Orders from higher-ranked authorities	7
6. Increase in prostitution-related violence	5.9
7. Prostitution has become increasingly obvious	5.6
8. Police department target requirement	6.5
9. Important domestic or international event	6.7
10. Someone (internal to the venue) reported prostitution	6.4
11. There is an overall crackdown	7.3

Table 5.4: Reported Reasons Police Crack Down on Prostitution

Although the mean responses to these questions are clustered close to one another, some patterns emerge. First, respondents readily admitted to receiving an arrest target from the police department. Such practices are technically against the law, yet with a range of means from 5.3 to 7.3, the mean ranking for targets was a 6.5. Second, while societal pressure (5.3) and personal motivation (5.7) ranked low, as noted above, pressure from the media played a more important role (6.4). This could be tied to the fact that in several cases, other cities in southern China have experienced central-government pressure to crack down on prostitution in reaction to media coverage on the prevalence of the problem in certain areas. Third, the prevalence of prostitution itself (5.6) is not a driver of increased enforcement. Finally, external pressure appears to be the main motivator towards action, either through orders from higher-ranked authorities (7) or overall national crackdowns (7.3). These patterns echo those in the responses to questions on enforcement differences over the course of one year.

Of these immediate factors, two in particular also came through consistently throughout my fieldwork: responsiveness to public opinion, and pressures tied to targets.

Responsiveness to Public Opinion

One of the reasons the police arrest low-tier sex workers is tied to citizen pressure. This factor did not rank highest in responses to the police survey as a factor precipitating enforcement. Yet it came up repeatedly in my interviews. It is an important observation, because it ties into the more general pattern of democratic policing that characterizes the

[556] The question asked here was: "For which of the following reasons do you crack down on prostitution? (1=least important reason, 10=most important reason." (您打击卖淫嫖娼活动的原因是什么？请对下面列出的原因，在 1 到 10 的标尺上勾出个数字代表重要性。1＝最不重要，10＝最重要.)

[557] The Chinese version of these reasons are: (1) 个人觉得应该这样做; (2) 来自本地居民的压力; (3) 有人举报; (4) 媒体压力; (5) 上级指示; (6) 与卖淫嫖娼活动相关的暴力行为增加; (7) 卖淫嫖娼活动日益明显; (8) 公安局对此有指标要求; (9) 重要国内及国际活动的需要; (10) 娱乐场所有人报警; (11) 严打.

behaviors of Chinese law enforcement agents, as described in this chapter and the following one, on law enforcement in the middle tier of the sex industry. It also provides additional evidence in support of the more general observation that Chinese bureaucrats respond to constituent complaints.[558] One law enforcement officer emphasized the role that "social forces" (*shehui liliang—社会力量*) played in pressuring the local police to act.[559] When I shadowed him the following year, he drove me down a long street that was lined with hair salon and massage parlor brothels. He then took me to another avenue a few blocks away. It was prostitution-free, but the officer explained to me that a few years ago, the venues in the other block had all moved from this location. The former red light district was right by a prestigious high school, and parents had mounted a successful campaign to clean up the neighborhood.[560] Informants in other cities mentioned similar occurrences, as did pimps and sex workers explaining that they had been arrested or experienced police pressure in response to neighbor complaints.[561]

Targets

Targets also appear to drive law enforcement. The police survey participants highlight this factor, and my interviews corroborate their responses. These can be fine-based targets, where the police are required to raise a certain amount of money, as discussed in Chapter Three. In the city where I shadowed the police, one district's police station had to meet a 20,000 yuan target in 2009.[562] A second station in that same city had to meet at 40,000 yuan target.[563] In other places, these targets instead take the form of a quota for number of sex worker arrests, as appeared to have been the case with the sex worker arrests I observed and described earlier, and as others also explained to me.[564] The existence of targets, like responsiveness to public opinion, also serves to reinforce the similarities between every day policing in democracies and in authoritarian China.

Common Policing Arrest Practices

When arresting sex workers, the police commonly use two practices. The first is to rely on assistant police officers, and the other is to pose as clients.

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[558] Greg Distelhorst and Yue Hou, "Constituency Service Under Nondemocratic Rule: Evidence from China," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, 2014).
[559] Interview 44, October 28, 2008.
[560] Field Notes August 8, 2009.
[561] Interview 62b, April 16, 2009. Interview 68, April 17, 2009. Pimp interview 1, August 26, 2009. Sex Worker Interview 4, August 24, 2009. Sex Worker Interview 1, August 24, 2009. Sex Worker Interview 6, August 23, 2009. Sex Worker Interview 3, August 20, 2009.
[562] Field Notes, August 8, 2009.
[563] Field Notes, August 9, 2009. That station failed to meet that same target of 40,000 yuan the previous year, and as a result they received a 20,000 yuan budget cut. The legality of fine-based targets is unclear. A police chief in another city told me that this policy had been abolished. Interview 173, September 4, 2009. It is possible that the targets set in the city where I was shadowing the police were unofficial.
[564] Interview 99, August 6, 2009. Sex Worker Interview 3, August 18, 2009. Sex Worker Interview 3, August 15, 2009.

Assistant Police Officers

The police use illegal practices when arresting sex workers. One tactic that allows them to avoid personal responsibility for abuses is to outsource such activities to assistant police officers (*lianfang*—联防, also called *xiejing*—协警 or *baoan duiyuan*—保安队员). This is an unofficial position, rather than a specific rank within law enforcement. One foreign informant who interacted with them in his work described as "hired thugs."[565] In the city where I shadowed police officers, the police station for the largest district was staffed with 48 official police officers—trained civil servant graduates of police academies, paid several thousand yuan a month—and 100 unofficial agents, untrained and paid a few hundred yuan per month.[566] In one of the red light districts where I conducted my fieldwork, they would drive around the neighborhood on officially-labeled "public security patrol" scooters (*zhian xunluo—治安巡逻*), in plainclothes and looking distinctly non-official.[567] In another red light district, one of them strolled around the neighborhood wearing army fatigues and a red and yellow "public security patrol" armband.[568] The partner of one of the sex workers I interviewed worked for the police in that capacity. She explained that his role as pertained specifically to prostitution would be to first identify a suspected sex worker. He would then spend hours waiting to catch her in the act with a client, and burst onto the scene with the help of a tool that allowed him to open most locks in a few seconds. He was then responsible for negotiating a price to release them and actually accepting the bribe. The actual police officer would observe on the sidelines. They would then all go out together to spend the bribe money on a meal, and then divide up the remaining amount amongst themselves.[569]

Posing as Clients

Undercover police agents will also pose as clients. Li Hua, who works at Xicheng Park, once got in the car with a client who came by the park.[570] As they were driving off, a friend of hers called to tell her that a police car was trailing them. When she asked her client to let her out of the car so that they would not get caught, he grabbed her by the back of her shirt, and told her not to move as he was a police officer. She managed to escape his grip, get out of the car, and run away. In some cases, these undercover agents—frequently assistant police officers--will have sex and then return shortly after to arrest the woman.[571] Li Hua once encountered a client who gave her money, and then wanted to leave without actually having sex. She got suspicious and tried to return the money. He changed his mind and penetrated her a few times, left, and then returned shortly after with a uniformed police officer to arrest her. One time in Li Ting's brothel,

[565] Interview 48, October 30, 2008.
[566] Interview 102, August 9, 2009.
[567] Field Notes, November 2, 2009. Field Notes, November 5, 2009.
[568] Field Notes, November 7, 2009.
[569] Sex Worker Interview 3, August 18, 2009. By the time I interviewed her, her partner had stopped working as an assistant police officer. He quit after the police sent him to do a drug bust which resulted in a drug trafficker putting a gun to his head.
[570] Sex Worker Interview 3, August 20, 2009.
[571] Sex Worker Interview 5, August 24, 2009. Sex Worker Interview 4, August 20, 2009.

an undercover agent had sex with her colleague, left, and immediately returned with another agent to arrest the woman, who had not yet had time to get dressed. He denied that they had sex, and since he had not used a condom she had no physical evidence to substantiate her claim.[572]

Condoms as Evidence of Prostitution

As noted in Chapter Three, the police are forbidden from using condoms as evidence of prostitution. Yet this is a commonly-used method when arresting individuals for prostitution, and one that interferes in important ways with efforts to reduce HIV/AIDS, as it deters sex workers from being willing to have and use condoms.[573] Describing the arrest process, Li Hua explained that "in the police station…they will look to see if you have condoms, and will ask you why. The law says it is not a problem [to carry condoms], but the police act differently."[574] Qing Yu's description of the police officer who interrogated her about the condoms in her apartment echoes this testimony. Police reports of prostitution arrests, as recounted in the media, frequently note the number of condoms found at the scene.[575] The practice appears so widespread that many sex workers assume it is legal. In fact, 27 percent of all sex worker survey respondents thought that it was legal for the police to arrest them if they were in an entertainment venue, and were found to be carrying condoms. Given possible selection bias of survey respondents, accurate knowledge of this policy is probably much lower within the general population of sex workers.

Abusive Arrest Practices

Sex workers who had been the object of police interventions in this tier of prostitution reported harsh and abusive treatment. During one roundup, Song Qin told of being locked up for hours without access to food, water, or a restroom, such that a colleague who was sharing her cell was forced to defecate in it.[576] Police do not respect time limits for short-term detention. In one instance, they detained a sex worker for 72 hours until her pimp intervened for her release.[577] In another, the police forward-dated the arrest date to cover up extending her time in detention beyond legal limits.[578]

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[572] Sex Worker Interview 2, August 24, 2009.
[573] Interview 25, October 14, 2008. Interview 48, October 30, 2010. Interview 191, October 12, 2008. Interview 97, January 19, 2009. Interview 64, April 16, 2009. Interview 35, October 21, 2009. Interview 38, October 22, 2008.
[574] Sex Worker Interview 3, August 20, 2009.
[575] Beijing Aizhixing 北京爱知行研究所, "Guanyu 10 Jia Meiti Weifan 'Yufang Aizibing Xingbing Xuanchuan Jiaoyu Yuanze' Shexian Jiang Biyuntao Zuowei Maiyin Zuozhengde Baogao 关于 10 家媒体违反《预防艾滋病性病宣传教育原则》涉嫌'将避孕套作为卖淫佐证的报道' [Report Concerning 10 Media Outlets Violating the 'Propaganda and Education Principles for the Prevention of AIDS and Sexually Transmitted Diseases'],"*Love Knowlege Action 爱知行动*, July 1, 2010, http://www.aizhi.co/view.php?id=562.
[576] Sex Worker Interview 3, August 26, 2009.
[577] Sex Worker Interview 6, August 25, 2009.
[578] Sex Worker Interview 3, August 18, 2009.

Sex workers also complained about officers extracting forced prostitution confessions using verbal abuse, physical beatings, and other forms of violence. Li Ting was working in a hair salon when the police brought her in for questioning, even though they had not caught her with a client. They interrogated and threatened her, eventually transitioning from verbal abuse to violence in order to extract a forced confession from her.[579] Other interviewees also described the police extorting confessions from them.[580] Yong Qing was soliciting on the street with five other sex workers, and brought in to the police station, where the assistant police officers immediately started beating them to force them to admit to prostitution.[581]

In some instances, the police arrest streetwalkers for simply standing in areas known for prostitution, and pressure them to admit to selling sex.[582] Li Ting described being undressed, made to stand outside in the (Beijing) winter, and doused in cold water.[583] Xiao Yuan described being stripped to her underwear, wrapped up with rope, attached to the ceiling in the bathroom so that only her toes touched the ground, and doused with cold water, also in the wintertime.[584] The cold water method was successful in extracting confessions out of both women. Police also abuse their power to extract sexual favors. In one instance, a police officer had sex with Qing Lai, beat her, and did not pay. "You just try reporting me to the police," she recounted him taunting, "I am the police."[585]

Law enforcement officers also extort bribes from sex workers. When I spoke to Yong Qing in August 2009, she had already been arrested three times that year. She had twice been required to pay her arresting officer 3000 yuan (480 USD) for release, and knew the money was going straight into his pocket because he did not give her a receipt.[586] Others described similar situations, and identified payments as bribes when they occurred immediately after arrest and prior to having their case officially registered at the police station.[587]

Finally, police officers engage in random acts of abuse. In one such instance, a group of sex workers encountered an agent on their way to the public restrooms. He asked for their temporary residence cards, which he promptly tore to shreds.[588] This incident occurred in the early 2000s, when a procedure called custody and repatriation allowed the police to detain people without valid residence permits and return them to their hometown. Such a move would entail total humiliation as local police would be informed of involvement in prostitution and report it back to families.[589]

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[579] Sex Worker Interview 2, August 24, 2009.
[580] Sex Worker Interview 7, August 20, 2009.
[581] Sex Worker Interview 6, August 25, 2009.
[582] Sex Worker Interview 7, August 20, 2009.
[583] Sex Worker Interview 2, August 24, 2008.
[584] Sex Worker Interview 3, August 18, 2009.
[585] Sex Worker Interview 2, August 26, 2009.
[586] Sex Worker Interview 6, August 25, 2009.
[587] Sex Worker Interview 5, August 24, 2009.
[588] Sex Worker Interview 3, August 17, 2008.
[589] Custody and repatriation was abolished in 2003.

Custody and Education

As low-tier sex workers constitute the primary arrest target for law enforcement, it should come as no surprise that this focus results in a custody and education (C&E) system that mainly incarcerates this same subset of the prostitution population. Chapter Three provided a general overview of C&E institutions and their official reformatory mandates for both sex workers and clients. It also noted the general decline in their numbers. Yet since other types of institutions are able to serve similar functions, incarceration continues to be a real possibility for sex workers, and merits thorough discussion here.

C&E Population: Low-Tier Women, Testing Positive for STDs

Although nothing in the content of the regulations governing C&E institutions states that this should be the case, today's C&E population is overwhelmingly low-tier sex workers. Discussing a Shenzhen center, a public health worker described the inmates as follows: "The women in the *shourong* are young, do not have a lot of experience with prostitution, and do lower-class types of prostitution."[590] A researcher familiar with dozens of *shourong* in the country emphasized instead the presence of older women, and explained that "the people at the *shourong* are the streetwalkers, the old and ugly ones, the lowest of the low in the hierarchy of CSWs."[591] Another informant, who had volunteered at the *shourong* in Tianjin and Beijing, noticed clusters at both ends of the age spectrum:

> The women [there] are all the lower class sex workers…[they are] very innocent and naïve. They are either young (18) or old (over 30)…The women who end up there are not educated, they are poor, and from the countryside. They don't have any income.[592]

The abject poverty and helplessness of incarcerated women became particularly apparent to an informant who volunteered at one institution every Thursday, when family members were permitted to come visit. In particular, she described how heartrending (*tebie kelian*—特别可怜) it was to interact with poor migrant husbands and parents who came to see their wives and daughters, and who expressed deep guilt and powerlessness for their inability to have provided for them so that they did not have to sell sex.

In addition to being poor, C&E inmates are also the women who tested positive for STDs when they were arrested for prostitution.[593] Syphilis is one of the most common STDs for which sex workers test positive. These patterns of poverty and high rates of STDs have historical precursors. In Shanghai in the late 1940s, limited space in the first detention center led police to focus on sex workers who were homeless, living on

[590] Interview 81, May 4, 2009.
[591] Interview 59, May 4, 2009.
[592] Interview 68, April 17, 2009.
[593] Interview 69, April 18, 2009, Interview 64, April 16, 2009.

the streets, and soliciting on the streets or in other public places.[594] In the Beijing facility in 1950, 1,259 out of the 1,303 incarcerated women tested positive for an STD.[595]

Collaboration Between Health and Policing

In addition to forced testing that occurs prior to being sent to C&E, these centers are also CDC surveillance sites.[596] In fact, as noted earlier, when the surveillance system described in Chapter Three was first created, most of the sex worker sites were detention centers.[597] The collaboration between policing and health within this tier of prostitution underscores, first, the complete primacy of the police in the lives of low-tier sex workers: the CDC is entirely dependent here on the police arresting sex workers, incarcerating them, and providing health workers with access for monitoring rates of STDs within the population of inmates. As discussed in Chapter Six, when the CDC conducts outreach and testing within the middle tier of sex workers, it can operate independently of law enforcement. In C&E centers, the possibility of independence is non-existent. In theory, there can be public health benefits to accessing large numbers of sex workers who test positive for STDs. Yet in practice, the fact that this access occurs in incarceration severely limits many benefits. It does allow the CDC to report rates of STDs within the community of incarcerated, low-tier sex workers. It also allows them and the police to treat these women while they are still incarcerated. Yet it does not provide much opportunity to foster behavioral changes amongst them, given the oppressive environment in which they find themselves.

Disconnect Between Reformatory Aims and Actual Conditions

In addition to the questionable efficacy of the health interventions that occur within C&E institutions, the overall treatment of sex workers within them has drifted far from its reformatory aims. The role of labor, for example, appears to have shifted. Originally, labor was one of several activities integral to retraining women to re-enter the work force. Now, at least some of these institutions appear to staff full-blown factories. Inmates at one center allegedly produce plastic flowers all day.[598] In Tianjin, they assemble cardboard boxes for a local company.[599] In another city, local factory production demands drive decisions for whether to fine or incarcerate sex workers.[600] Labor in these centers is forced, and unpaid.[601]

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[594] Sarah Biddulph, *Legal Reform and Administrative Detention Powers in China* (Cambridge, UK: Cambridge University Press, 2007), 74.
[595] Ibid., 75.
[596] Interview 26, October 15, 2008.
[597] J D Tucker, X Ren, and Flora Sapio, "Sex Worker Incarceration in the People's Republic of China," *Sexually Transmitted Infections* 84, no. 1 (February 1, 2008): 124.
[598] Interview 96, January 19, 2009.
[599] Interview 68, April 17, 2009.
[600] Interview 69, April 18, 2009. A similar pattern also exists for incarceration decisions in other, non-sex work specific detention centers. Interview 96, January 19, 2009.
[601] Interview 190, March 26, 2009. Interview 68, April 17, 2009.

More generally, testimonies of women incarcerated within C&E centers make these places sound like nothing more than a prison. The arrest and incarceration experience of Mei Mei, a woman from Sichuan who sells sex in a foot massage parlor, illustrates this observation clearly.[602] Mei Mei had just started selling sex 20 days earlier when the police caught her and a client in the back room of the venue. They told her that if she signed a confession, she would be detained for five days and then released. She agreed, and instead found herself transferred from short-term detention to a C&E center for six months. Upon arrival, she was given a blood test and a full physical. They were mandatory, and she had to pay for them herself. They shared her test results with her. Inmates who had STDs were kept together, separate from those who did not. The center provided them with only minimal supplies, and they had to purchase most daily necessities themselves. She found the food they served inedible, and thus spent her own money to buy better meals. In all, she estimated spending about 10,000 yuan (1,600 USD) while incarcerated.[603] The C&E institution provided her with neither classes nor trainings.[604] Instead, inmates were forced to sit on small stools (*zuo bandeng*—做板凳), sew vests, and watch television.[605] While the guards in short-term detention in Beijing treated her well, their behavior in long-term detention was worlds apart (*tianrangzhibie*—天壤之别). They were extremely fierce, yelled at inmates and shouted obscenities at them. They would inflict physical punishments upon them, such as forcing them to stand for hours on end, until Mei Mei's legs would collapse beneath her. It was only because she was skilled at compromising with them that she avoided getting beaten.[606]

A Far Cry From Aspirations of the System's Founders

As described above, C&E institutions in contemporary China do not achieve their reformatory goals. They do not provide meaningful training, services, and support that would allow inmates to find other employment upon leaving the facility. The leaders who spearheaded their re-emergence in the 1980s are the first to acknowledge this disconnect, and note the gulf between their goals when they established the system, and its current status. I interviewed the former founders of the male and female C&E centers created in Shanghai in the 1980s. These centers served as models upon which the national system and regulations were developed, and the male founder in particular was intimately involved in the entire legal and policymaking process at the local and central-government levels. Their testimonies are striking because they underscore a genuine commitment to the project, which early on took its reformatory aspects seriously. The female head described how "before, we used to have education, competitions, health

[602] Sex Worker Interview 1, August 24, 2009.
[603] Others also described having to spend several thousand yuan while incarcerated. Sex Worker Interview 3, August 24, 2009.
[604] Other interviewees did describe attending courses. Interview 68, April 17, 2009. Sex Worker Interview 3, August 24, 2009.
[605] Another interviewee also described being forced to sit on stools. Sex Worker Interview 3, August 24, 2009. This is a practice used on inmates in China that is very uncomfortable. The stools are small, women must sit on them with their backs straight, they are not allowed to stretch their legs, and sometimes must sit on them for hours.
[606] Other interviewees also shared testimony of guards treating the women poorly, and noted their generally disdainful attitude towards sex workers. Interview 68, April 17, 2009.

exercises…It was a school, [which provided participants with] a very rich life."[607] In fact, the terminology used within the institution underscores these goals. Sex workers and clients were called "students/trainees" (*xueyuan—学员*). Staff were called "instructors" (*fudaoyuan—*辅导员). As evidence of their success, the female head discussed the high attendance at an alumni reunion they organized, and more generally talked about all her former students who would come back and visit her, bearing gifts. She even showed me a stack of cards that she had received over the years from former sex workers, in which they thanked her for everything she had done for them.

One telling anecdote that the two heads shared concerns the matchmaker roles they played for incarcerated men and women, where they would arrange marriages between single men and single women who had completed their time in custody.[608] This is a role that individuals working for the historical precursors of these institutions also played. Hershatter, in her history of prostitution in Shanghai, notes with respect to the early years of the PRC that "the staff [of reform institutions] regarded it as part of their work to see that married women were reunited with their spouses and unmarried women were married off."[609] Remick notes a similar responsibility with respect to reform institutions in Republican China.[610] There is no evidence to suggest such pairing occurs today.

Throughout the course of our conversation, both heads displayed a great deal of understanding and empathy around prostitution. The male head viewed it as "just a profession" (*zhiye—职业*), and very much talked about it as a special, victimless crime which, unlike drug use or drug trafficking, does not harm two willing participants. He was also pluralistic in his explanations for why people might engage in prostitution. Female sex workers sell sex because of their life circumstances, a bad relationship with their parents, laziness, peer pressure, or an unhappy marriage. Clients might purchase sex to satisfy their sexual needs, spend their excess income (*youqian meiyou difang yong—*有钱没有地方用), or find an outlet to deal with work pressure. Others might just be bad people (*benlai shi huairen—*本来是坏人), or just think about things differently (*xiangfa buyiyang—*想法不一样).[611] Given the testimonies of individuals who have interacted with the system as it currently stands, these types of attitudes seem to be very much lacking within C&E institutions today.

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[607] Interview 70, April 18, 2009.
[608] Interviews 69 and 70, April 18, 2009.
[609] Gail Hershatter, *Dangerous Pleasures: Prostitution and Modernity in Twentieth-Century Shanghai* (Berkeley: University of California Press, 1997), 319.
[610] Elizabeth J. Remick, "Police-Run Brothels in Republican Kunming," *Modern China* 33, no. 4 (2007): 440; Elizabeth J. Remick, "Prostitution Taxes and Local State Building in Republican China," *Modern China* 29, no. 1 (2003): 47. Sommer notes that from the late Ming until the end of the Qing dynasties, an official matchmaker would play a similar role for women held in custody, usually when convicted of either adultery or prostitution. Matthew Harvey Sommer, *Sex, Law, and Society in Late Imperial China* (Stanford, CA: Stanford University Press, 2000), 282.
[611] Interview 69, April 18, 2009.

Incarceration and Other Sanctions Against Men

While low-tier women are most likely to be incarcerated, men also occasionally find themselves in these institutions. In addition to asking sex worker survey respondents about their arrest experiences, I also asked them for information about how their clients were punished. The table below shows the overall punishments for clients of arrested sex workers.

Type of Punishment	Number of Sex Workers (N=22)	Number of Clients (N=14)
No Punishment	5	8
Fine	5	3
Short-Term Detention (*juliu*)	10	0
Fine and Short-Term Detention	1	0
Custody and Education	1	2
Fine and Custody and Education	0	1
Reform Through Labor	0	0

Table 5.5: Types of Punishments Arrested Sex Workers and their Clients Received

Overall, clients were more likely to go unpunished than sex workers, with 23 percent of sex workers reporting no punishment, versus 57 percent of clients. Rates of fines were comparable across both groups, with 26 percent of sex workers fined and 29 of clients fined. Sex workers were much more likely to be incarcerated than clients: 55 percent of sex workers were incarcerated, versus only 21 percent of clients. With the exception of fines, which did not vary significantly across groups, sex worker reports on the predominance of different types of punishments for clients and sex workers reflect general expectations: sex workers were overall more likely to be both punished, and incarcerated.

Police survey responses do not actually show a pattern wherein the police are more likely to arrest sex workers than clients in that city. Overall, 4 respondents reported having arrested no sex workers and no clients in the first six months of 2009. Five respondents reported having arrested between 1 and 25 sex workers, and the same range of clients. Six respondents reported having arrested between 50 and 100 sex workers, and 50 and 100 clients. Seven respondents reported having arrested over 200 sex workers, and over 200 clients. Of the five police officers who had arrested between 25 and 50 clients, two of them had arrested fewer sex workers (between one and 25), two had arrested the same range of sex workers (between 25 and 50), and one had arrested more sex workers (between 40 and 100). Similarly, of the eight law enforcement agents who responded having arrested between 100 and 200 clients, five had arrested that same range of sex workers, and the three others had arrested fewer sex workers. None of these responses suggests an increased focused on sex workers rather than clients over the course of six months in 2009 in the city where the police survey took place, though the provision of ranges as answer choices may have obscured the existence of such reported differences.

The following table compares police reporting of the frequency of various punishments for sex workers versus clients.

Type of Punishment	Frequency of Punishment for Sex Workers (Average of 1-10 Scale)[612]	Frequency of Punishment for Clients (Average of 1-10 Scale)
Warning (*jinggao*)	3.9	4.3
Fine	7.8	8.5
Short-Term Detention (*juliu*)	5.6	5.7
Custody and Education (*shourong*)	3	3
Re-Education through Labor (*laojiao*)	3.2	2.7

Table 5.6: Relative Frequency of Punishments Police Report for Sex Workers and Clients

These comparisons show relatively few differences with respect to frequency of punishments for sex workers versus clients. Clients are slightly more likely to be fined, and sex workers were slightly more likely to experience some type of incarceration, as expected.

Yet qualitative and other observational data suggest more pronounced differences between punishments for sex workers and clients. Within their focus on low-tier prostitution, law enforcement officers are generally considered to specifically target female sex workers rather than male clients. When they do arrest both individuals, men tend to be fined, and women are more likely incarcerated.[613] As discussed in Chapter Three, fines are an important source of income for local law enforcement. Clients are more likely to be able to afford to pay fines. Even when sex workers can afford it, they sometimes prefer to spend some time in detention rather than lose several thousand yuan. As described in Chapter Four, this was Qing Yu's reasoning when her husband urged her to pay the fine. Other respondents echoed a similar logic. When the police came to Qing Lai's brothel, a number of her colleagues panicked and paid them 3,000 yuan for immediate release. In Qing Lai's words:

> I didn't have any money then, and I also wasn't in any particular rush. I wasn't scared. The worst-case scenario was that they would lock me up, so I didn't hand over any money. They incarcerated me overnight, and then let me go the next day.[614]

[612] For each type of punishment, respondents were asked to select a number from 1 to 10 to indicate the frequency of its occurrence in the city. The number in this column reflects the mean response for each type of punishment.

[613] Interview 64, April 16, 2009. The Dui Hua Foundation, "Custody and Education Worse than Reeducation through Labor?," *Reference Materials*, December 26, 2013, http://www.duihuaresearch.org/2013/12/custody-and-education-worse-than.html; Hu Xiujie 胡秀洁, "Wanshan Woguo Seqing Wenti Lifa Han Zhifa De Sikao 完善我国色情问题立法和执法的思考 [A Research on How to Improve the Legalization and Law Enforcement of the Sex Work Industry]," *Journal of Zhangzhou Normal University 漳州师范学院学报* 2 (2011): 25–30.

[614] Sex Worker Interview 2, August 26, 2009.

Law enforcement officers themselves acknowledge this pattern of client fines and sex worker incarceration.[615] The resulting imbalance within incarceration institutions is striking. Across the country, these facilities are reported to include only a handful of male clients, for hundreds of female sex workers, despite regulations that make no mention of different punitive treatment for clients and sex workers.[616]

Yet, while men are more rarely incarcerated than women, they are not completely immune to such experiences. I met one client who agreed to share his incarceration experience with me.[617] He was in his late 20s, and was an unmarried university graduate. He declined to provide details about his employment. He had been released just a few weeks prior to our encounter. The entire interaction felt less like an interview, and more like a lecture. More specifically, he felt a profound sense of injustice at having been incarcerated for six months. While he was aware of the possibility that he could be fined and spend a few days in detention for purchasing sex, he had not known that he could legally be institutionalized for up to two years. His outrage stemmed from the belief that the state should propagate more information about the existence of custody and education centers for clients, which he claimed no one knows about and is not covered in the media.[618] The fact that a client would assume that he cannot even be incarcerated speaks to how entrenched the pattern of fines for men and incarceration for women is. These feelings of injustice had led him to thoroughly investigate all relevant laws and their enforcement, such that I felt I was talking with a legal expert on the subject.

With regards to his actual experiences of arrest and incarceration, he had been caught in the act in a small brothel run out of an apartment in Beijing, a few months before the Olympics in August 2008. Along with several other sex workers and clients, he was first taken to a short-term detention facility, and then transferred to the Beijing prostitution custody and education center. This is one institution, in which sex workers are all incarcerated in the left-hand side, and clients are all incarcerated in the right-hand side.[619] Every morning, inmates were awakened at 6 or 6:30, showered, and had breakfast. They then studied for a few hours, which included watching instructional videos and reading books. Lunch followed, along with a nap, more studying, and another shower. Twice a day, the guards would take attendance. The client did not mention engaging in any hard manual labor tasks. This omission is interesting, because it appears

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[615] Scott Burris and Guomei Xia, "The 'Risk Environment' For Commercial Sex Work In China: Considering the Role of Law and Law Enforcement Practices," in *Gender Policy and HIV in China*, vol. 22, The Springer Series on Demographic Methods and Population Analysis (Springer, 2009), 184.

[616] Ibid.; The Dui Hua Foundation, "Reference Materials"; Hu Xiujie 胡秀洁, "Wanshan Woguo Seqing Wenti Lifa Han Zhifa De Sikao 完善我国色情问题立法和执法的思考 [A Research on How to Improve the Legalization and Law Enforcement of the Sex Work Industry]." Interview 92, June 16, 2009. Interview 64, April 16, 2009.

[617] Interview 42, October 23, 2008.

[618] Prior to starting my fieldwork, my understanding of prostitution in China came mainly from reading regulations and media coverage on it. His ignorance on these matters took me by surprise.

[619] Another informant who had been inside it described the same physical separation as this client, with women on the left and men on the right.

constantly in descriptions of female custody and education incarceration, including the Beijing one.[620]

While this was the only testimony of client incarceration that I collected, others have also chronicled it indirectly. One account comes from a foreign woman living in China, who anonymously blogged about her Chinese husband's experience of arrest for prostitution in a massage parlor in Beijing in August 2009.[621] When her husband failed to return home after work one day, she enlisted his colleague to help find him. After filing a police report and systematically contacting various hospitals in Beijing, she was summoned to the police station where her husband was being detained, told that he had been arrested for engaging in prostitution, and that he would be released within 12 to 24 hours. Instead, he was sentenced to 14 days of detention and transferred to a facility in the outskirts of Beijing. A formal letter documenting his sentence was sent to the address of his household registration, where his parents lived in Wuhan. During his second week of incarceration, he was then sentenced to six months of custody and education in a Beijing facility. Neither she nor other family members were granted permission to visit him while he was there. They delivered clothing and money, and also mailed letters, all of which he acknowledged receiving. He was permitted to make three calls—the first of which he used to call his work colleague out of fear of upsetting his wife. During his incarceration, he was assigned to fix computers at the center. Throughout this process, the client's wife and family worked through various connections to pay bribes to try to facilitate his early release. The outcome of their efforts is not documented in the blog posts, which end without any mention of the client's release.

As these cases suggest, the class-based pattern of targeting low-tier women for incarceration does not apply to male clients. The first client was a university graduate, and the second was married to a foreigner. As Chapter Seven, on elite prostitution, discusses in further detail, prominent men have been arrested for prostitution and sentenced to custody and education. One of my informants, who had repeatedly observed activities at the Beijing incarceration center, described the male population as follows:

> You have all sorts of people there. Plain peasants, workers, university professors, and business owners. The institution actually had a calligraphy competition, and you could admire the calligraphy hanging on billboards in there…There were some really talented people there, skilled at music, calligraphy, writing articles, etc.[622]

In her experience, when men end up in custody and education centers, "it's just because of bad luck," rather than because they are more vulnerable to incarceration for reasons

[620] Interview 68, April 17, 2009.
[621] Her chronicling of the experience did not focus on the fact that her husband had been arrested for prostitution. Instead, her stated goal was to publicly document the corruption and bribery in which she found herself enmeshed through her attempts to have him released. Anonymous, "Wednesday-Day 27," *Beijing Haze*, August 28, 2009.
[622] Interview 68, April 17, 2009.

tied to class.[623] This difference brings to the forefront the observation that, while lower-class men such as migrant workers by financial necessity gravitate towards streetwalkers and women in low-tier brothels, the lower-tier of women also attracts middle-class and elite men.

Conclusion

The police dominate state intervention in the lives of low-tier sex workers. Their enforcement patterns complicate health worker efforts to access these women in the community. The only way for health agents to access them is once they are incarcerated, and such an environment is harmful to efforts to foster behavioral change amongst this population. Within this tier of prostitution, the police behave the way we expect them to. They focus on the women who are easiest to find. Pressures to meet targets drive their enforcement decisions. They violate rules and abuse these women, knowing that when they target those who are most helpless, there are unlikely to be any repercussions for their own abusive behavior. The shell of an important remnant of socialist anti-prostitution policies still stands, in the form of custody and education institutions. Yet these centers no longer perform any of their reformatory goals. The everyday policing of prostitution in China is an experience that would be familiar to low-tier sex workers in many other countries where it is illegal to sell sex.

[623] Interview 68, April 17, 2009.

Chapter Six: State Interventions into the Lives of Hostesses--Misplaced Health Outreach and Police Accommodation

Introduction

Sooner or later, most fieldwork paths in China lead to karaoke bars. When describing how the research sausage gets made, academics working on a wide variety of topics that are substantively far removed from the sex industry frequently have stories about the entrée and data they got from strengthening connections with informants in karaoke spaces. Given my area of inquiry, I was of course spending plenty of time in entertainment venues. Yet, unlike most researchers, I was there to actually observe what happens in those venues, rather than use those spaces in order to network with contacts who would then provide me with insight and access on subject matter that is completely unrelated to the hostesses who were entertaining us. A few times, however, I found myself in karaoke venues in order to foster relationships with various official contacts that I hoped would lead to valuable access and information in the future, such as research collaboration with the CDC, or permission to shadow the police. Yet since in the process of this networking I was also observing dynamics unfold between my contacts and individuals in middle-tier entertainment venues, the actual experiences themselves ended up being smoking guns for my research, unbeknownst to the others in the room. Two of these moments illustrate the state health and policing interactions with the middle tier of the sex industry that constitute the focus of this chapter.

Once it had become clear that I would not be able to carry out a survey of sex workers in Shenzhen, an academic contact suggested we try the city of Dongguan instead, sometimes referred to as China's "sin city" and its "sex capital." He knew people at the Dongguan CDC, and we headed there to meet with them. Following an afternoon of exploratory meetings, they invited us to dinner at an entertainment venue complex with both a restaurant and karaoke bar. The facility's owner joined us, and it was clear that she knew these CDC representatives well and had a good relationship with them. She had a fascinating rags-to-riches story—now in her 50s, she was born into poverty in Hong Kong, where she first earned money as a waste picker, going through trash and selling salvageable items. She then moved on to smuggling used cars to mainland China, and was now the owner of several entertainment complexes in Dongguan. At the end of the dinner, one of the CDC officials explained that we wanted to conduct a survey of sex workers, and asked whether she would help provide access. She immediately made a phone call, and in a matter of minutes, I was in the lobby of the hotel meeting with two madams who worked at the karaoke venue attached to the restaurant, discussing implementation details such as the number of women we wanted to interview.[624] I had expected the manager to deny knowing anything about prostitution. Instead, I witnessed collaboration and openness: the CDC directly asked for access to sex workers in the venue, and the manager agreed readily.

[624] Field Notes, October 20, 2009. I ended up not carrying out the survey in Dongguan, either.

Part One of this chapter describes the challenges that the CDC faces in attempting to reach sex workers in middle-tier venues, and the tactics it adopts to do so. While I did not observe them occur in this instance, what I experienced in Dongguan were the results of successful CDC negotiations for this access.

Eager to welcome me to their city, the police officers I shadowed in a city in central China invited me to join them in a slew of activities. One afternoon, we drove up into the nearby mountains, and went swimming in and dined by a tributary of the Yangtze River. I tried to forget about how polluted the Yangtze is, and instead I thought about the analogies that might exist between the risks I was incurring for my fieldwork and the symbolism of Mao's swim across the Yangtze in 1966.[625] I plunged into that same body of water a few days later with other police contacts, this time bouncing all the way down the tributary in an inner tube. We also went gambling together, though the police chief explained to me that it is actually permissible for friends to play mahjong together for money. One evening after dinner, they took me to a karaoke venue. We got settled in our private room, and a few minutes later about 15 hostesses streamed in and lined up in front of us. Their madam accompanied them, and greeted our group with familiarity. One of the police officers chose one for himself, and a second one for his colleague. For the rest of the evening, while I was not busy singing or dancing with other members of our party, I observed these two women entertain their clients. I do not know whether, in this particular case, the evening ended with prostitution. In fact, it very well may not have—as I discuss below, the police prefer to abuse of their power to extract sexual services in districts over which they do not have jurisdiction. Yet the familiarity I observed between the hostesses, madams, and law enforcement agents hinted at the accommodation that dominates interactions between the police and the sex industry in this tier of prostitution. That is the topic of Part Two of this chapter.

Health

Hostesses are the focus of state health interventions with sex workers in China. This practice does not reflect official policies that guide CDC testing and behavioral outreach amongst sex workers. In fact, middle-tier sex workers are at lower risk of HIV/AIDS than their low-tier colleagues. Hostesses are more educated, more knowledgeable about HIV/AIDS, have fewer clients, and engage in safer sexual behaviors. Despite this recognition, the CDC fails to target streetwalkers and women selling sex in small massage parlors and hair salons. Chapters Three, Four and Five highlight these points. Yet the implementation weaknesses of CDC prostitution policies do not stop with the fact that they overlook the women most in need. Instead, they also extend to the ways in which health workers carry out interventions with women in the middle ranks of prostitution. Problems with testing quality result in data on rates of HIV/AIDS that cannot be considered representative, even of middle-tier sex workers. Instead, the data likely underestimates infection rates. Issues with the manner in which

[625] I did not come up with any good ones.

the CDC conducts outreach reduce the likelihood that these interventions will lead to long-lasting behavioral changes.

What explains the weaknesses of CDC interventions with hostesses? On one level, some street-level bureaucrats are lazy and incompetent. Yet other factors inherent to the CDC as an institution also come into play here: it is a weak agency with limited enforcement power, which is tasked with reaching prescribed numerical goals in identifying and reaching out to sex workers. Its mandate conflicts in fundamental ways with police responsibilities around prostitution. Venue bosses also view the CDC as an unwelcome presence in brothels. Government health officials scare away clients, who would rather not be reminded of the health risks incurred from purchasing sex. Health agency presence also makes bosses uneasy as it suggests the latter acknowledge that prostitution occurs in their space, and opens them up to potential trouble for violating the law. Even though the police largely accommodate prostitution in the middle tier, venue owners are well aware that they are operating in a realm of illegality. The CDC has to navigate all of these obstacles as it tries to fulfill its own responsibilities around prostitution.

Weaknesses of CDC Interventions with Hostesses

The weaknesses of CDC interventions with hostesses are three-fold. They pertain to the quality of the mappings of sex worker venues, and sampling of the venues and the sex workers within them, processes described in Chapter Three. They also involve coercing sex workers to participate in testing and outreach.

Mapping Weaknesses

Chapter Three described the mapping exercise that local CDCs are instructed to carry out in order to identify all spaces that provide prostitution services in a community. Accurate mapping is necessary for the CDC to provide data about and reach out to the full population of sex workers in a given location. In practice, the mapping process is not conducted rigorously, so the list of venues is imprecise and inaccurate. An employee involved in sex worker surveillance at a Shenzhen CDC recognized that "mapping for female sex workers is not done well, it is hard to know whether it is representative."[626] A doctor working at a district CDC in Beijing was similarly skeptical of the quality of the mappings that his office develops, noting that "they are not quite right."[627] He explained that their CDC acquired government registries on all legally registered entertainment venues to map out the district. This means that they included every entertainment venue in the district, regardless of whether it actually harbors prostitution activities or not. It also excludes all unregistered venues—those more likely to provide prostitution services only—and public areas such as parks and alleyways where streetwalkers gather. One Chinese researcher who collaborates closely with the Shanghai CDC expressed great

[626] Interview 75, April 28, 2009.
[627] Interview 55, April 1, 2009.

skepticism about map quality.[628] Of Shanghai's 16 districts, only two responded to her requests to see their maps. While she could not confirm this to be the case, she interpreted the lack of responsiveness of the majority of the district CDCs as an indication that they either had not carried out the mapping exercise, or had conducted it in such a cursory manner that they did not want to share the end product. Of the two maps she had received, one was done "really poorly, it seemed sloppy."[629] The second district had done it more thoroughly, specifying for each venue where they had obtained the information, such as asking cab drivers, or going themselves.[630] Yet when the research team sought to verify the accuracy of the maps, they discovered that "it just did not correspond to reality."[631]

The CDCs in Shenzhen, Beijing and Shanghai are considered extremely competent, with highly qualified employees. If even they are not properly mapping out the location of sex workers in their communities, the implementation of this process elsewhere in the country should be subject to even greater scrutiny. A foreign employee at an international health organization who has worked with and observed CDC sex worker outreach projects throughout China was complimentary of some of the mappings he had seen for pilot projects in a handful of counties.[632] Yet he recognized that these were exceptions to a mapping process whose implementation is, by and large, deeply flawed.

Weaknesses Around Sampling of Venues and Sex Workers Within Them

Instead of carefully mapping out places that harbor prostitution, and randomly sampling from that universe, local CDCs instead select venues based on convenience. A CDC employee who works in the national office and monitors sex worker surveillance sites throughout the country recognized a clear disconnect between the sampling guidelines they issue, and the local CDC practices he observes in places as far-flung as Jilin, Gansu, Guizhou, Hainan, and Xinjiang. He explained how "the outreach is designed, at the national level, to be random sampling, but in practice, at the local level it ends up being convenience sampling."[633] A Shenzhen CDC official corroborated this remark when he explained to me how in that city, they "just go to wherever they can get access."[634] In practice, selecting venues based on convenience leads health officials to target places that have larger numbers of hostesses, given the targets they must meet and which are discussed below. This selection process also leads them to reach out to venues where they have personal connections and, relatedly, to those where they have already worked in the past.

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[628] Interview 67, April 17, 2009.
[629] Interview 67, April 17, 2009.
[630] Interviewees who work with the CDC in other locations also mentioned the informative role that cab drivers play in helping to map the sex industry. Interview 97, January 19, 2009. Whenever I arrived in a new city, I also relied on cab drivers' knowledge to get an overview of the geography of the sex industry.
[631] Interview 67, April 17, 2009.
[632] Interview 130, August 19, 2009.
[633] Interview 57, March 26, 2009.
[634] Interview 81, May 4, 2009.

In addition to sampling issues at the level of venues, the process used for selecting women within these spaces is also problematic.[635] More specifically, it is implemented such that it can include women who are not actually sex workers. The CDC conflates hostesses and sex workers. Their assumption, when they arrive at a venue, is that all women there sell sex. Yet hostesses in karaoke bars also drink, dance, and sing with clients, and some of them are not sex workers. One way that health workers could avoid the inclusion of non-sex workers in their sample would be to ask them upfront. Yet respondents are unlikely to admit to selling sex when a stranger from a government agency asks them if they do so. Cognizant of this issue, the CDC uses a surveillance instrument that does not even have a question that allows the respondent to self-identify as a sex worker.[636] Instead, the CDC arrives at a venue, and recruits whoever is present for testing. A civil society activist who has observed this process noted how "a lot of [those tested] are not commercial sex workers, but get included in the statistics anyway."[637] This approach, combined with repeat visits to a venue, also results in the CDCs testing, surveying, and educating the same sex worker several times, without explicit acknowledgment that they are doing so.[638]

Coercive Testing and Outreach

The CDC also coerces women into getting tested for HIV/AIDS and participating in outreach projects.[639] This coercion is generally not quite as direct as the forced testing described in Chapter Five, and which occurs when a sex worker is incarcerated. Instead, it happens once venue owners have agreed to provide health officials with access to their hostesses, a process discussed below.[640] Once that access has been secured, it is the venue owners, madams, and pimps who instruct the women under their charge to cooperate with the CDC.[641] Power dynamics between these gatekeepers and sex workers are such that the latter cannot easily refuse to abide by their instructions.[642] Sex workers cannot dissimulate their HIV/AIDS status when forced to have their blood drawn. Yet

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[635] Surveillance sampling issues extend beyond the population of sex workers. Issues with respect to data representativeness have also been raised tied to sampling of men-who-have-sex-with-men, intravenous drug users, individuals who attend an STI clinic, and pregnant women. Wen Lin et al., "Is the HIV Sentinel Surveillance System Adequate in China? Findings from an Evaluation of the National HIV Sentinel Surveillance System," *Western Pacific Surveillance and Response Journal* 3, no. 4 (2012): 6.

[636] National Center for AIDS/STD Control and Prevention, "Quanquo Aizibing Shaodian Jiance Shishi Fangan (Shixing) Caozuo Shouce 全国艾滋病哨点监测实施方案(试行)操作手册 [Guidebook for Monitoring on the Implementation of National AIDS Checkpoints (For Trial Implementation)]" (National Center for AIDS/STD Control and Prevention, 2009), http://ncaids.chinacdc.cn/fzdt/zxdd/200903/t20090325_1188559.htm.

[637] Interview 77, April 30, 2009.

[638] Interview 104, August 12, 2009.

[639] Interview 104, August 12, 2009. Interview 77, April 30, 2009. Interview 26, October 15, 2008.

[640] Interview 57, March 26, 2009.

[641] Interview 26, October 15, 2008. Interview 57, March 26, 2009.

[642] Margaret L. Boittin, "New Perspectives from the Oldest Profession: Abuse and the Legal Consciousness of Sex Workers in China," *Law & Society Review* 47, no. 2 (2013): 254–256. Interview 57, March 26, 2009.

they can falsify their responses to behavioral questions, such as frequency of condom use, and are quite likely to do so given the coercive environment.[643] Coerced testing can also have negative behavioral effects on sex workers. A positive HIV/AIDS testing experience that is voluntary and empowering is likely to increase the possibility of that same individual seeking out a test in the future. A forced test may instead have the opposite effect, and lead that person to shy away from subsequent voluntary testing.

Mapping errors, sampling problems, and coerced participation in outreach create problems because they exclude important parts of the sex worker population from testing and outreach, and include others who should not be there. The resulting claims that CDCs make about infection rates and outreach are then much broader than warranted. These are concerns that national CDC researchers have written about and published on openly, stating that:

> Although surveillance shows that the rate of HIV infection in CSWs is low, there may be a large proportion of the population that goes undetected, which would mean that the rate of HIV infection in CSWs, in actuality, may be significantly higher.[644]

They also acknowledge that these public health intervention weaknesses are not limited to sex workers. Instead, these issues constitute part of a larger problem of bias and lack of representation within surveillance data. Without detailing the specific practices described above, national-level CDC researchers note that "[s]urveillance systems in most regions of China suffer from lack of coverage of key populations [and] quality control problems."[645] They recognize how "surveillance approaches often capture only a small fraction of the total population of some subgroups and there is no assurance that biases in coverage will remain constant over time."[646] They acknowledge how, as a result, "surveillance data can be misleading or can fail to capture significant pockets of infection," which can increase the spread of HIV in China.[647] They attest to the challenges to sampling groups such as sex workers, intravenous drug users, and men-who-have-sex-with-men in a representative manner, and the difficulties in obtaining truthful answers about their sexual behaviors.[648]

Institutional Challenges Within the CDC

These weaknesses extend beyond the specific issue area of prostitution. They are widespread, and openly acknowledged among some echelons of China's public health bureaucracies. Yet what explains their occurrence? Institutional challenges within the

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[643] Interview 104, August 12, 2009. Interview 41, October 23, 2008.

[644] Lu Wang and Ning Wang, "HIV/AIDS Epidemic and the Development of Comprehensive Surveillance System in China with Challenges," *Chinese Medical Journal* 123, no. 23 (December 2010): 3499.

[645] Yujiang Jia et al., "Sources of Data for Improved Surveillance of HIV/AIDS in China," *The Southeast Asian Journal of Tropical Medicine and Public Health* 38, no. 6 (November 2007): 7.

[646] Ibid.

[647] Ibid.

[648] Ibid.

CDC contribute to explaining the obstacles to rigorous data-collection efforts described above. These include local-level employees who are simply unmotivated to perform high-quality work. Yet they also involve the fact that the CDC has limited enforcement power, and is responsible for carrying out a target-based monitoring system.

Capacity of Local CDC Employees

Concerns about the quality of the work that local-level employees produce come from individuals who work outside of the CDC. A Chinese employee of a United Nations agency told me that data coming from county-level CDCs is completely unreliable due to how unqualified the staff is at that level.[649] Her foreign boss expressed great dismay about a conversation he had at a local CDC, where a staff member objected to hiring peer educators (current or former sex workers) to conduct health outreach within the community of women who sell sex, explaining that since prostitution is against the law, it would not be appropriate to hire them.[650] The head of an NGO that works with sex workers throughout the country bluntly noted that "the CDC is lazy" in describing how superficially they conduct education outreach in red light districts.[651] Individuals actually working within the health bureaucracy also echo these criticisms. One informant, an employee at the National Population and Family Planning Commission in Beijing, noted how "the problem is that once you get to the county CDC level, the people who work in the CDC are all johns (嫖客), so they are very passive" about their health outreach with sex workers.[652] An employee with the national CDC, discussing extremely low reported rates of HIV/AIDS amongst sex workers in Hainan, chalked it up to laziness leading to extremely poor quality work in the province.[653] Staff at the national-level CDC has also articulated this concern, phrased more diplomatically, in published writings.[654]

Limited Enforcement Power

Another challenge with which the CDC struggles is its limited power to enforce directives.[655] A first strike against the CDC is the fact that the Ministry of Health is a politically weak agency.[656] The party secretaries of Guangdong province and Beijing, for

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649 Interview 104, August 12, 2009.

650 Interview 130, August 19, 2009. This remark displays ignorance of CDC policies, which recognize the valuable role that peer educators can play in reaching out to sex workers and other high-risk populations.

651 Interview 95, January 15, 2009.

652 Interview 58, April 2, 2009.

653 Interview 57, March 26, 2009.

654 Jia et al., "Sources of Data for Improved Surveillance of HIV/AIDS in China." The authors note the following: "Given the enormous population, there is a lack of skilled epidemiology personnel at all levels of the public health system. Many local staff have insufficient training and are poorly informed as to the purpose of surveillance activities." See also Wang and Wang, "HIV/AIDS Epidemic and the Development of Comprehensive Surveillance System in China with Challenges," 3499.

655 Interview 64, April 16, 2009.

656 Tony Saich, "Is SARS China's Chernobyl or Much Ado About Nothing?," in *SARS in China: Prelude to Pandemic?*, ed. Arthur Kleinman and James L. Watson (Stanford University Press, 2006), 93. Interview

example, rank higher than the national health minister.[657] A second issue is that, while the CDC operates at national, provincial, municipal, district, and community levels, a higher-ranked CDC has "no codified power to enforce public health directives at the lower levels."[658] It lacks "any legal jurisdiction or any funding power over the people and institutions on which it depend[s] to carry out public health projects."[659] Instead, the agency's downward oversight powers are limited to "technical direction."[660] It is the Ministry of Health at the same administrative level as a CDC bureau that has power over it.[661] CDC employees explained to me how troublesome this inability to enforce was—any time they detect any rule violations through their work, they need to contact another enforcement bureau within the Ministry of Health in order to address it.[662] To complicate matters further, any given public health project might also require cooperative relationships with other agencies, either at the same or higher administrative levels.[663] This combination of vertical power dynamics (within one same institution, from one administrative level down to the next) and horizontal ones (across institutions at the same administrative level) in Chinese politics is referred to as the tiao-kuai system. The absence of enforcement power affects the ability of a higher-level CDC to direct the actions of a CDC at a lower administrative rank. When an employee at the national-level CDC complains to me about the quality of the work she observes being carried out by a local CDC in a community, she is extremely limited with respect to her ability to do anything other than complain. As discussed below, the institution's weakness also affects the ability of local CDCs to request compliance from the people and places to which they need access, such as entertainment venues, and shapes the dynamics between them.

108, August 14, 2009, noting that "the Ministry of Health does not have the most influence in the government." Interview 38, October 22, 2008.

[657] Ibid.

[658] Katherine A. Mason, "Becoming Modern after SARS. Battling the H1N1 Pandemic and the Politics of Backwardness in China′s Pearl River Delta," *Behemoth* 3, no. 3 (December 2010): 16.

[659] Katherine A. Mason, *After SARS: The Rebirth of Public Health in a Chinese "City of Immigrants"* (Stanford, CA: Stanford University Press, in press). In describing what this institutional feature of the CDC meant for disease containment efforts around H1N1 (swine flu), Mason notes the following: "The Ministry of Health put out general directives, but provincial and city leaders tended to make their own decisions about how to respond to those directives. The success of any national effort was ultimately reliant on the cooperation of the local CDCs, and the leaders of those CDCs had a considerable amount of latitude as to how they wished to carry out any particular project." Mason, "Becoming Modern after SARS. Battling the H1N1 Pandemic and the Politics of Backwardness in China′s Pearl River Delta," 17.

[660] The reasons for this decision to limit its enforcement powers are difficult to establish with certainty. By some accounts, this was a conscious organizational choice designed to increase people's willingness to interact with the CDC, without fear that if they were found to be violating various public health directives, the CDC would then have the ability to sanction them.

[661] Mason, "Becoming Modern after SARS. Battling the H1N1 Pandemic and the Politics of Backwardness in China′s Pearl River Delta," 16. So a provincial health bureau has power over a provincial CDC bureau.

[662] Field Notes, October 20,2009.

[663] Mason, "Becoming Modern after SARS. Battling the H1N1 Pandemic and the Politics of Backwardness in China′s Pearl River Delta," 16.

Numerical Target-Based Pressures

The third institutional challenge shaping obstacles to rigorous data collection amongst sex workers is the fact that the entire health surveillance and outreach project is a quantitative effort driven by a need to reach certain numerical targets. CDC guidelines require each surveillance area to target 400 sex workers, a number which is reduced to 250 if the HIV/AIDS prevalence rate from the previous surveillance round exceeds 10 percent.[664] Local officials also feel pressure to document their outreach efforts through quantitative measures such as numbers of sex workers who participate in trainings, or numbers of condoms distributed. As described in Chapter Five, I witnessed this condom distribution pressure when I observed a health official hand over a bag with several hundred condoms to a madam. The ability of this action to actually reduce the transmission of HIV/AIDS is questionable. Uretsky describes observing a similar disconnect during her fieldwork in Yunnan province. Local officials had followed directives and purchased and installed the requisite number of condom machines throughout the prefecture. Unfortunately, these machines only accepted one yuan coins, a currency not commonly used in the South.[665]

In Chapter Three, I expressed skepticism about the accuracy of official data on prostitution arrests, and noted the Goldilocks principle that pushes for rates that seem neither too high nor too low, but "just right." While there are no official hard targets that local governments must achieve with respect to rates of HIV/AIDS, local governments are aware that their reported rates will be carefully scrutinized as indicative of either poor data collection efforts (if the rates are too low), or weak HIV/AIDS prevention efforts (if the rates are too high). The performance of local officials, which is used to determine promotions and other benefits, is generally evaluated based on achieving various targets.[666] This is a system that rewards good news, and penalizes those who do not deliver it.[667] With respect to rates of HIV/AIDS, it can result in distorted and massaged information being reported up the chain of command.[668] Targeting middle-tier venues is

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[664] National Center for AIDS/STD Control and Prevention, "Quanquo Aizibing Shaodian Jiance Shishi Fangan (Shixing) Caozuo Shouce 全国艾滋病哨点监测实施方案(试行)操作手册 [Guidebook for Monitoring on the Implementation of National AIDS Checkpoints (For Trial Implementation)]."

[665] Elanah Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS" (PhD diss., Columbia University, 2007), 270–272. One yuan is available both as a coin and a paper bill. The paper bill format is much more common outside the Eastern coastal regions in China.

[666] Tony Saich, "The Blind Man and the Elephant: Analysing the Local State in China," in *On the Roots of Growth and Crisis: Capitalism, State and Society in East Asia*, ed. Luigi Tomba, vol. 36, Annali Della Fondazione Feltrinelli (Milan: Annale Feltinelli, 2002), 92–96; Saich, "Is SARS China's Chernobyl or Much Ado About Nothing?," 25–26.

[667] Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS," 260; Saich, "Is SARS China's Chernobyl or Much Ado About Nothing?," 87–89.

[668] Uretsky, "Mixing Business with Pleasure: Masculinity and Male Sexual Culture in Urban China in the Era of HIV/AIDS," 260. Mason notes a similar phenomenon around compliance with a vaccination campaign. Staff at the city-level CDC had received reports from district counterparts of 100% compliance with the campaign, yet they "assumed that the numbers that the lower levels produced rarely represented the actual number of vaccines administered." Mason, *After SARS: The Rebirth of Public Health in a Chinese "City of Immigrants."*

one way for local officials to ensure they do not encounter too many sex workers testing positive for HIV. Including women who work in a venue without screening for whether or not they actually sell sex also helps to lower reported infection rates. Other strategies described to me included increasing a sample size in order to water down rates that were deemed too high, and, conversely, stopping the surveillance process once an acceptable rate had been achieved. CDC preference for targeting venues with greater numbers of hostesses is also a response to this numbers-driven system.

This pressure for local institutions to deliver on numbers around HIV/AIDS might seem counterintuitive: why would local CDCs scramble to meet targets to satisfy those higher up in the CDC bureaucracy, given the weak enforcement capabilities of the CDC system? The issue of HIV/AIDS is politically important in China. This is data that individuals across a number of different government agencies, both local and above, are going to scrutinize carefully. A complete failure to provide figures would be too obvious a form of noncompliance. Much more flexibility exists, instead, with respect to the harder-to-monitor process followed for collecting those numbers.

Health and Police Interactions

In addition to institutional challenges inherent to the CDC, the relationship between health agencies and the police also affects the quality of health outreach in middle-tier prostitution venues. Policing policies that outlaw prostitution are inherently in tension with health policies that seek to reduce the spread of HIV/AIDS. Where prostitution is illegal, sex workers minimize their visibility, deny their involvement in the sex industry, and are extremely reluctant to engage with the state. Yet health workers need access to sex workers in order to conduct testing and outreach, and an environment in which members of this population will feel comfortable recognizing that they sell sex. This observation is not specific to China: tensions between health and law enforcement actors are a recognized issue for reducing HIV amongst illegal populations in a wide range of countries and political systems.[669] Globally, the public health community endorses decriminalization as the law enforcement model that best advances its goals. International organizations and foundations such as UNAIDS, UNFPA, the World Health Organization, the Open Society Foundation and Human Rights Watch have all issued policy recommendations that advocate for this regulatory position as a means of reducing transmission of HIV.[670] Privately, this is also the position that employees of the China

[669] Human Rights Watch, "Sex Workers at Risk: Condoms as Evidence of Prostitution in Four US Cities," July 2012; Svati P Shah, "Trafficking and the Conflation with Sex Work: Implications for HIV Control and Prevention," Working Paper for the Third Meeting of the Technical Advisory Group of the Global Commission on HIV and the Law, (2011), http://www.hivlawcommission.org/index.php/working-papers?task=document.viewdoc&id=100; Nada Al-Riahi, "Prostitution in the Arab World: A Legal Study of Arab Legislation," Working Paper prepared for the Middle East and North Africa Regional Consultation of the Global Commission on HIV and the Law, (2011), http://hivlawcommission.org/index.php/report-working-papers?task=document.viewdoc&id=97.

[670] UNDP, "Risks, Rights & Health" (UNDP, 2012), 40–43, http://www.hivlawcommission.org/resources/report/FinalReport-Risks,Rights&Health-EN.pdf; Human Rights Watch, "Sex Workers at Risk," 71–74, 80–88; World Health Organization, UNFPA, and UNAIDS, "Prevention and Treatment of HIV and Other Sexually Transmitted Infections for Sex Workers in L0w and

CDC endorse. They note that the "public health community does not want these [crackdowns on prostitution] because then they can't find female sex workers."[671] They also acknowledge how their preference conflicts with the police, as these crackdowns are "necessary for the PSB."[672]

Health and Police Tension

When health workers in China consider how they will gain access to the middle-tiers of prostitution, this inherent tension is an issue that they must take seriously. One public health informant had colleagues who were arrested while doing sex worker outreach in a small town in Liaoning province--the police there had never heard of any state-sponsored programs to reach out to sex workers.[673] A national CDC employee explained to me that they had limited female sex worker projects in Shenzhen because the police there are "hard to work with," and restrict CDC access to entertainment venues.[674] An HIV/AIDS rights activist provided examples of local law enforcement officers trailing CDC staff and arresting groups of sex workers after they had taken part in health outreach activities. The police explained that these women had essentially admitted to engaging in prostitution through their participation in the event.[675] An employee of an international public health organization recounted instances in which sex workers were arrested for accepting free condoms from an outreach program.[676] The police have also spoken out publicly against CDC-sponsored sex worker health events.[677] A public health researcher noted that the "CDC usually has contacts with the police, but the relationship is not smooth. The police are aware of what they are doing, but they also have to crack

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Middle-Income Countries," December 2012, 8, 17, 18, http://www.unaids.org/en/resources/presscentre/featurestories/2012/december/20121212sexworkguidance/; UNAIDS, "UNAIDS Guidance Note on HIV and Sex Work" (UNAIDS, 2012), Annex 3–4, http://www.unaids.org/sites/default/files/sub_landing/files/JC2306_UNAIDS-guidance-note-HIV-sex-work_en.pdf; Open Society Foundations, "10 Reasons to Decriminalize Sex Work" (Horizon Market Research, 2012), 3–4, http://www.opensocietyfoundations.org/sites/default/files/decriminalize-sex-work-20120713.pdf; Matthew Chersich, "Preventing HIV among Sex Workers in Sub-Saharan Africa: A Literature Review" (WHO, 2011), 17, 21, http://whqlibdoc.who.int/publications/2011/9789241501279_eng.pdf; Anand Grover, "Report of the Special Rapporteur on The Right of Everyone to The Enjoyment of The Highest Attainable Standard of Physical and Mental Health" (UN Human Rights Council, 2010), 2, 4, 12, 14–15, 22, http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.20.pdf; UNAIDS, "International Guidelines on HIV/AIDS and Human Rights" (UNAIDS, 2006), 30, http://www.ohchr.org/Documents/Issues/HIV/ConsolidatedGuidelinesHIV.pdf.

[671] Interview 26, October 15, 2008.

[672] Interview 26, October 15, 2008.

[673] Interview 58, April 2, 2009.

[674] Interview 26, October 15, 2008.

[675] Interview 32, October 19, 2008.

[676] Interview 38, October 22, 2008.

[677] Xinhua News Agency, "Safe-Sex Education for Prostitutes Stirs Debate Safe-Sex Education for Prostitutes Stirs Debate," *China.org.cn 中国网*, October 16, 2006, http://www.china.org.cn/english/2006/Oct/184130.htm; Xinhua News Agency, "Anti-AIDS Campaign Spotlights Sex Workers," *China.org.cn 中国网*, May 5, 2005, http://www.china.org.cn/english/Life/127807.htm.

down."[678] As I noted in the introduction to this chapter, I explored the possibility of conducting a survey of sex workers in Dongguan, with the assistance of a Chinese professor who connected me with the CDC in that city. A few weeks after our initial meeting, the central government started threatening to give Dongguan the worst possible crime rating if the local government did not crack down more harshly on the local sex industry. The police began conducting raids throughout the city.[679] As a result, the CDC had temporarily ceased all of its public health outreach with sex workers, and could not assist me in accessing venues either.[680]

Chinese policies officially address this tension between policing and health regulatory approaches to prostitution. They do so by reconciling them, framing them as complimentary, and underscoring the continued importance of cracking down on prostitution as integral to efforts to reduce HIV/AIDS. Specifically, the 2006 State Council Notice on China's AIDS action plan, in addition to outlining the host of health-related measures adopted to reduce the spread of HIV, also states that "relevant departments in all regions shall…enforce the HIV prevention and treatment in accordance with law and policy, and crack down on drug crimes and the illegal behavior of commercial sex."[681] Central-government health officials also reconcile this tension in public statements which underscore that health outreach does not constitute an endorsement of prostitution.[682]

Navigating the Tension

Yet official recognition of this tension does not provide local health officials with a clear roadmap for navigating it on a daily basis. Instead, state health actors describe pursuing three different strategies in their efforts to fulfill their own responsibilities vis-à-vis prostitution. They sometimes ignore the police, and operate in parallel without alerting them to their work. Alternatively, they join them, and rely on their enforcement

[678] Interview 97, January 19, 2009.

[679] Fiona Tam, "Party Chief Vows to Crack Down But Excessive Measures Will Be Avoided," *South China Morning Post*, November 26, 2009, http://www.scmp.com+party-chief-vows-crack-down-excessive-measures-will-be-avoided; Fiona Tam, "Crackdown Fails to Scare Dongguan's Sex-Trade Veterans," *South China Morning Post*, November 26, 2009, http://www.scmp.com/article/699410/crackdown-fails-scare-dongguans-sex-trade-veterans.

[680] Field Notes, November 26, 2009. In line with the enforcement patterns I describe, over the course of this Dongguan crackdown only the "low-level brothels were shut down, while luxury establishments with strong backing continued to enjoy good business." Tam, "Crackdown Fails to Scare Dongguan's Sex-Trade Veterans."

[681] The 2011-2015 Action Plan contains a similar statement. General Office of the State Council, "China's Action Plan for Containment and Prevention of HIV/AIDS (2006-2010) 中国遏制与防治艾滋病行动计划 (2006-2010 年)," February 27, 2006, http://www.gov.cn/zwgk/2006-03/10/content_224306.htm; General Office of the State Council, "China's '12th Five-Year' Action Plan for Containment and Prevention of HIV/AIDS (2011-2015) 中国遏制与防治艾滋病'十二五'行动计划," January 13, 2012, http://www.gov.cn/zwgk/2012-02/29/content_2079097.htm.

[682] Elaine Jeffreys, *Prostitution Scandals in China: Policing, Media and Society* (London; New York: Routledge, 2012), 141–145.

powers to do outreach. The third approach is to convince them to allow them to carry out their work without interfering.

Ignoring the Police

Rather than alerting law enforcement to any surveillance or outreach projects they intend to conduct with sex workers, the CDCs in some communities simply plough ahead. In describing their approach, a doctor with the Beijing CDC noted that "it is better not to contact the PSB."[683] Informants in Shenzhen and a medium-sized city in central China described a similar strategy.[684] The rationale for this approach is that preemptively reaching out may cause more trouble than necessary, and that it is simpler to try to proceed under the radar rather than announce one's intentions beforehand, and possibly attract unwanted attention in the process. The health workers who described this strategy to me worked in large cities, where their activities could easily blend into the larger chaos of urban daily life. They had also been doing this work for years in these places, where initial efforts to conduct such activities would have necessitated direct engagement with the police, as described below.

If You Can't Beat Them, Join Them

Another approach the CDC describes is to depend upon the police. This strategy is an extension of that adopted for low-tier sex workers, where incarceration centers are CDC surveillance sites. One health official described how "in a lot of places, the CDC contacts the PSB, who go into brothels and force sex workers to participate in trainings."[685] A member of a sex worker health and rights NGO described a pattern in which a police officer would be posted at the entrance of a venue until the hostesses inside all agreed to cooperate with the CDC and get tested.[686] In Shanghai, the CDC conducts outreach through the police. Law enforcement officers go to a venue, tell the hostesses to collaborate with the CDC when they come, and let them know that they will not be arrested in the process.[687]

Engaging the Police to Not Interfere

The third CDC approach is to engage directly with law enforcement in order to convince them of the importance of health outreach with sex workers, so that the police will not interfere with their work. When first presented with the idea of non-punitive, state-sponsored interventions with sex workers, local law enforcement agents generally reject it as tantamount to legalizing prostitution. A Thai doctor working in China involved in early efforts to conduct outreach amongst sex workers described participating in a local cross-agency 100% CUP pilot project meeting as follows:

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[683] Interview 55, April 1, 2009.
[684] Interview 81, May 4, 2009. Interview 75, April 28, 2009. Interview 98, August 6, 2009.
[685] Interview 58, April 2, 2009.
[686] Interview 77, April 30, 2009.
[687] Interview 64, April 16, 2009.

> Two police representatives were at the meeting, and they stood up and said, "No way. This country is different from Thailand…If we know they sell sex, we have to arrest." Then, the health sector looked very uneasy. They had invited foreign health experts to that meeting, but among themselves they did not agree. The meeting was about to end, during the first session of the first day![688]

A CDC doctor in another town explained that "when we first met with the PSB, the head was not receptive to our work. He didn't see how this was any different from legalization."[689] CDC officials working in a number of different places described a similar initial reaction.[690]

Yet through increased communication, workshops, and trainings, health officials have succeeded in convincing these same skeptics to not interfere with their outreach. Such workshops were necessary when health agencies first started sex worker outreach pilot projects in the late 1990s, when such interactions were so novel that any health outreach would immediately garner the attention of other state actors. They started with meetings at the pilot project sites with local representatives from the major relevant agencies.[691] While not required now, they continue to be a tool used to facilitate health outreach.[692] A key component of these efforts is to underscore how allowing state actors to engage with sex workers around issues of health does not preclude punishing them when they are actually caught selling sex.[693] An additional public security issue that the CDC raises in meetings with the police is the fact that it is against the law to knowingly spread HIV/AIDS, so providing condoms to sex workers and testing them for their HIV status also serves law enforcement interests.[694] These types of conversations essentially reiterate the formal acknowledgement of tension between policing and health policies discussed above, in order to reassure the police that their authority is not being undermined.

These efforts have resulted in a consistent pattern of CDC employees describing a shift from extremely tense relations to a more accepting environment. A doctor at one local CDC noted this evolution as follows:

> We have a good working relationship with the PSB. At first, we did not…But the head of the PSB attended some of our workshops, and eventually came to see the utility of what we were doing. Once he was on

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[688] Interview 46, October 30, 2008.
[689] Interview 100b, August 7, 2009.
[690] Interview 26, October 15, 2008. Interview 34, October 20, 2008. Interview 190, March 26, 2009. Interview 44, October 28, 2008. Interview 49, November 3, 2008.
[691] Interview 190, March 26, 2009.
[692] Interview 97, January 19, 2009.
[693] Interview 46, October 30, 2008.
[694] Interview 49, November 3, 2008.

> board, he spread the word amongst the PSB at a big police meeting. Now, we work well with the police.[695]

Another CDC employee explained:

> At the beginning, the local PSB did not understand what we were doing. There was conflict between the health providers and the police. But with propaganda (*xuanchuan--宣传*), we made them aware. Now our relationship is smooth.[696]

A number of government agency informants described a similar pattern over time of gradual progression towards a positive relationship with the police.[697] That said, members of civil society were much more cautious in their claims. They instead phrased progress in less positive terms, noting that "the relationship is not as bad as before."[698] They also emphasized cooperation as an exception to the rule, or simply rejected the general narrative of improved local level dynamics between the police and the CDC.[699]

The importance of conversations between actors from these different agencies underscores how personal relationships play a key role in aiding health officials to successfully navigate policy tension. When I asked them to identify the most successful outreach projects, and identify the reasons for their success, one informant cited a city in western China where the police head and the leader of the AIDS division of the CDC were brothers.[700] Others consistently underscored similar factors, for example noting that "the personal contacts between the CDC and the PSB are important."[701] Relatedly, they highlighted the importance of a supportive local government to clearly instruct the police on the importance of cooperating with health outreach.[702]

Health and Business Interactions

In addition to the resistance they face from the police, health workers also struggle to gain access to entertainment venues. This observation may seem counterintuitive, as one might expect gatekeepers (venue owners, bosses, madams and pimps) to welcome the opportunity to monitor HIV/AIDS and other STDs, increase knowledge of HIV transmission, and encourage behavioral changes amongst their hostesses. Healthier sex workers would seemingly be economically beneficial to businesses that harbor prostitution activities. An employee lost to an STD must be

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[695] Interview 100b, August 7, 2009.
[696] Interview 26, October 15, 2008.
[697] Interview 26, October 15, 2008. Interview 190, March 26, 2009. Interview 44, October 28, 2008. Interview 49, November 3, 2008. Interview 104, August 12, 2009.
[698] Interview 34, October 20, 2008.
[699] Interview 32, October 19, 2008. Interview 48, October 30, 2008.
[700] Interview 190, March 26, 2009.
[701] Interview 97, January 19, 2009.
[702] Interview 58, April 2, 2009. Interview 59, April 3, 2009. Interview 104, August 12, 2009. Interview 35, October 21, 2008.

replaced. A venue that boasts a clean bill of health for its sex workers should be more attractive to clients. Yet instead, venue gatekeepers are predisposed to object to opening up their spaces to health actors. They worry that such actions send a message to clients that the venue's sex workers may have HIV/AIDS. They also fear that it signals to the authorities a recognition that the venue harbors prostitution activities.

One might consider that CDC surveillance would benefit businesses by allowing them to advertise provision of STD-free women, which clients would perceive as a selling point. In practice, however, the mention of AIDS is more likely to send clients running. Awareness of HIV/AIDS amongst the general population in China, including clients, varies widely.[703] Knowledge that a venue has been inspected in relation to HIV/AIDS can be enough for men to decide against even crossing its threshold. The industry benefits most from an environment in which the presence of HIV/AIDS is simply not felt at all, rather than one in which its existence has been recognized, and then declared absent from the premises through state health inspections. As one researcher who works with the CDC explained:

> The bosses (*laoban—老板*) don't want anything that will interfere with their business. If they think that what you are doing will harm their business, then they won't let you in. Health is important, but it is not as important as bringing in business. They think that having outreach, health information etc. in their venues will have a negative effect on business. It will make it look like there is a health problem in their venue, that their girls are not clean…They think that if you come to their place and do HIV work, then it means there is a problem with the place.[704]

My own interactions with venue owners confirmed this issue. When we were recruiting respondents for our sex worker survey in Beijing, one of the NGO staff members who was working with us asked me whether the HIV/AIDS test that we were providing as part of the study was optional. After I clarified that participants were under no obligation to get tested, she explained that she was asking me this question because she did not want to upset the neighborhood pimps, who objected to the testing because they did not want any rumors spreading about any of their girls possibly having HIV/AIDS.[705] Knowledge of CDC surveillance makes clients aware of the possibility of HIV/AIDS infections in the venue. Complete absence of such interventions takes the issue completely off the minds of those same business patrons.

Venue owners also worry that by providing access to health officials to carry out sex worker outreach and testing, they are officially admitting that their space harbors prostitution activities. They fear this will result in law enforcement sanctions. The risk-

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[703] Horizon Market Research and Futures Group Europe, "2001 Behavioural Surveillance Survey in Yunnan and Sichuan. Adult Male Report," Horizon Market Research (Beijing, China, 2002).
[704] Interview 64, April 16, 2009.
[705] Field Notes, November 30, 2009.

averse approach is thus to categorically deny that their hostesses would need any special health services as they do not sell sex.

I witnessed both of these fears driving the behavior that venue gatekeepers displayed towards the local family planning department that was supporting our efforts to survey sex workers in one red light district in Shenzhen. This was the neighborhood I discussed in the introduction to Chapter One, in which I witnessed the police pull low-tier sex workers off the streets and into their van. In addition to the work we were doing with women out on the streets, we also sought to get access to hostesses in the middle-tier venues in the neighborhood. My research assistants first did so by recruiting participants right outside of various karaoke venues. This worked for a few hours, until a manager emerged from one of the venues and chased them off.[706] The following day, we described the encounter to the head of the neighborhood family planning department, Wang Zhuren. He called the manager of one of the local karaoke venues in to his office, explained that we wanted to distribute condoms, do health education, and interview women working in their venue, and asked him to allow us to do this in the karaoke bar. He agreed, and also said he would reach out to other bosses in the neighborhood to do the same for us. My research assistants and I followed him back to his venue. He set us up in a few private karaoke rooms, and my research assistants began surveying women. After about one hour, the manager returned. He was extremely polite and apologetic, but explained that his boss had just called him, and told him we had to leave. They were worried that we were going to report that there was prostitution in their karaoke bar.[707] The following day, we returned to Wang Zhuren's office to explain what had just happened. I expected him to pick up the phone, call the manager back in, and take him to task for his behavior. Instead, he did not say anything. It was at that moment that I really internalized the observations others had made to me about the weakness of health officials, and the obstacles they face to accessing venues.

We returned to Wang Zhuren's office the next day. He had arranged for another manager to let us into his venue, and I wondered whether I had been misguided in my previous day's skepticism about Wang Zhuren's ability to follow through. He explained to this manager that, while in the past the Chinese government had been completely opposed to prostitution, there was now more openness around the issue, so he could feel comfortable letting us work in his karaoke bar. The manager agreed, we returned with him to the venue, and my research assistants started interviewing hostesses. Shortly thereafter, the manager came back, and asked if we were the same group who had been working in the venue next door two days earlier. He came back a few minutes later, and requested that we put our bags in the opposite corner of the room. When he then asked to inspect the pens my assistants were using and took them apart, we realized he was concerned that we were recording what was happening in the venue. He then asked to see the questions we were asking respondents. We showed him the list of health questions, which included inquiries about sexual behavior, such as number of clients, and payment for most recent transaction. He returned about ten minutes later, told us that he

[706] Field Notes, November 12, 2009.
[707] Field Notes, November 17, 2009.

was busy (*wo you shi*—我有事), and kicked us out. Wang Zhuren was again impassive when we reported back to him.[708] A few days later, I gave up on trying to implement my sex worker survey in that neighborhood.

My experiences in that red light district provide a clear illustration of health failure to access middle-tier venues for sex worker outreach, tied to gatekeeper reluctance to highlight the presence of prostitution and specter of AIDS in their space. I was working with the support and under the wing of the local family planning bureau, and carrying out the same types of outreach activities as health officials—distributing condoms and asking behavioral questions. Yet as a foreigner, my involvement would have likely put venue owners even more on their guard and increased their opposition to any interventions. While official health actors are frequently met with the same reactions I witnessed, they have at their disposal a number of strategies to both pry and keep open venue doors that I individually did not have, and that the family planning bureau had no incentive to draw on for me.

One approach is for health officials to simply explain to gatekeepers the purpose of their work. This involves emphasizing that health officials are neither interested in nor empowered to do anything that would result in sanctions against venues. In the words of the head of the CDC in one province, "we explain to the bosses that all we care about is disease prevention. We aren't taking a moral approach to this, rather we are just focused on saving lives."[709] It also means educating gatekeepers about the spread of HIV/AIDS, and how sex workers who test positive are not only putting clients at risk, but also endangering their non-paying sexual partners as well.[710] While this appeal to reason and social responsibility resonates with some madams, pimps, and venue managers, others require a more self-interested framing before cooperating with health agencies. The strategy that several health officials described to me involved reaching out to individuals working in the Ministry of Commerce. This agency is responsible for approving and renewing entertainment venue operating licenses. By threatening to block license renewal for venues that refuse to cooperate, health officials in several different locations coaxed open the doors of entertainment spaces in order to conduct testing and outreach.[711] This strategy does not appear to be an official policy, where one of the requirements for license renewal is evidence of cooperation with health agencies. Instead, it is yet another approach, like when health agents rely on the police for access, which allows them to fulfill their responsibilities. The police must weigh the policy conflicts that exist between policing and health in deciding whether and how to assist with sex worker outreach. In contrast, commerce department employees, whose official responsibilities vis-à-vis entertainment venues is to ensure that they operate properly as business entities, have no reason to fear that assisting health actors to access hostesses conflicts with their duties.

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[708] Field notes, November 19, 2009.
[709] Interview 49, November 3, 2008.
[710] Interview 49, November 3, 2008.
[711] Interview 9, September 15, 2008. Interview 46, October 30, 2008. Interview 97, January 19, 2009.

The CDC can be extremely successful at getting their foot in the door of entertainment venues. While I do not know what combination of strategies led to that particular relationship, the dinner I described in the introduction of this chapter, where an entertainment venue, complete with restaurant, hotel and karaoke bar welcomed the Dongguan CDC with open arms, is an example of their skillful ability to convince venue owners to accept them.

Police Accommodation

At the same time that health actors expend their efforts on prying open the doors of middle-tier venues, law enforcement actors are also engaged in a delicate balancing act with this sector of the sex industry. Chapter Five described a unilateral power dynamic between the police and low-tier sex workers, where some of the most powerful state agents in China exert complete control over some of the weakest, most marginalized individuals in Chinese society. Yet as discussed below, the relationship between the police and sex workers in the middle tier is one of more complex interdependence. When engaging with sex industry actors in this category of prostitution, the police do not focus their efforts on arresting sex workers and enforcing anti-prostitution policies. Instead, they adopt strategies aimed at controlling crimes and social disorder that frequently go hand-in-hand with prostitution, while often leaving untouched the core act of exchanging sex for money. The police adopt this approach to regulating the largest of prostitution tiers for two main reasons. They recognize their limited capacity to successfully abolish prostitution. They also acknowledge how harmful doing so would be to the local economy and social stability. Evidence of this accommodation manifests itself visually, through the physical emplacement of venues that harbor prostitution in relation to government offices. Accommodation is also apparent through the myriad strategies that local law enforcement agents adopt in their interactions with entertainment venue managers and hostesses. Many of these tactics are designed to foster positive relationships between the police and sex industry actors, and establish good communication between them in order to facilitate order maintenance in the community. Oftentimes it works, with sex workers describing instances in which they have called the police for assistance with unruly clients. More generally, in this tier of the sex industry, hostesses and gatekeepers describe close relationships with local law enforcement. These descriptions reflect a broader dynamic that I observed within red light districts where, despite being located in sprawling Chinese metropolises with millions of inhabitants, these neighborhoods instead felt like small villages where everyone knows each other.

Since policing in the middle-tier of prostitution is largely an effort at accommodation, it might seem inconsistent that one of the reasons gatekeepers hesitate to open their doors to health officials is tied to their concern that this amounts to recognizing their ties to prostitution, which would then get them into trouble with law enforcement. Yet venue owners and managers are, rightly, careful not to take accommodation as a given. They are aware of the precariousness of a dynamic that hovers at the border between legality and illegality, and is rooted in local relationships and interactions that outside forces can disrupt at any time. Specific exceptions to accommodation include external interference with local politics of prostitution control,

such as cross-jurisdictional raids on venues, and municipal, provincial or nationwide calls for crackdowns. Individual middle-tier venues might also cross local law enforcement if they are perceived as insufficiently respectful of the leeway that they are being granted.

Prostitution-Related Crimes and Social Disorder

Prostitution is sometimes considered a victimless crime—one that does not harm anyone, provided both parties are consenting to engage in it.[712] Yet a variety of crimes that clearly do violate individuals' rights often go hand-in-hand with the exchange of sex for money. These include violent crimes, such as robbery, rape, and murder, as well as human trafficking, drug trafficking, and organized crime. General social disorder, such as public drunkenness, also surrounds the sex industry.

Sex workers shared stories with me of physical violence, robbery, and murder. Ming Jia's friend went home with a client who tried to rob her. She escaped onto his balcony. He grabbed a knife, smashed through the glass door leading to the balcony, and stabbed her multiple times. She jumped off the balcony and survived the fall with only a broken leg.[713] Xiao Ting spent two days locked in the trunk of a client's car—he claimed he was so drunk that he forgot that she was there.[714] Sexual abuse and rape are widespread.[715] Sex workers are also targets for murder. A client stabbed Qing Yu's 23-year-old friend to death.[716] Xiao Xiang knew a sex worker found naked and dead under a bridge. The police had posted photos of her in the nearby red light district, hoping that someone might identify her.[717] In the town where I shadowed law enforcement officers, the police told me about a murder case against a pimp who ran a brothel with six sex workers. He kept them under horrific conditions, such that one of them starved to death. In order to hide the body, he chopped her into pieces which he threw away in the trash. Someone came across her arm and reported it to the police. They already had her fingerprints on record from a previous minor encounter with law enforcement, which allowed them to identify her, find out where she had worked, trace the crime back to the pimp, and free the other women.[718] Other informants—sex workers, madams, law enforcement officers, and journalists—shared other sex worker murder stories.[719] Among the variety of crimes that occur within the sex industry, the police are mainly concerned with those that cannot be ignored or swept under the rug. Murder prevention is an important priority for them. Sexual abuse and robbery might not inherently raise

[712] Gambling and illicit drug use are also frequently categorized as victimless crimes.
[713] Sex Worker Interview 4, August 24, 2009.
[714] Sex Worker Interview 2, August 21, 2009.
[715] Boittin, "New Perspectives from the Oldest Profession," 257.
[716] Sex Worker Interview 1, August 26, 2009.
[717] Sex Worker Interview 4, August 22, 2009.
[718] Field Notes, August 5, 2009. Field Notes, August 7, 2009. Field Notes, August 10, 2009.
[719] Interview 173, September 4, 2009. Interview 66, April 17, 2009. Sex Worker Interview 6, August 22, 2009. Sex Worker Interview 2, August 22, 2009. Sex Worker Interview 1, August 20, 2009. Madam Interview 1, August 21, 2009.

concerns, though as a precursor to other violent crimes the police would want to keep abreast of them.[720]

To be clear, these criminal problems within the sex industry are not restricted to middle-tier prostitution. In fact, with respect to those crimes that involve clients targeting sex workers, those in the low-tier are more likely victims, as they do not benefit from the protection that venue gatekeepers can provide. Regardless of whether she is a streetwalker or a hostess, a dead sex worker is always going to be a problem for the local police, and reflect poorly on their performance and capacity to maintain order. While accommodation helps reduce such crimes, law enforcement cannot fully accommodate the entire sex industry without appearing to openly and blatantly violate China's anti-prostitution laws. So they must be selective in their accommodation, and they choose to focus on the middle-tier. As described earlier, health agents are better able to forge relationships with sex workers in venues. For the same reasons, if the police want to engage with actors in the sex industry (rather than simply arrest them), they too find it easier to do so in this sector of the business. They also have more incentives to do so. This part of the sex industry generates the greatest number of problems. Its ranks are much larger than those of the low-tier world of prostitution. In addition, social disorder, human trafficking, drug trafficking, and organized crime have more links to the entertainment industry than the world of the solitary streetwalker.

Physical Evidence of Accommodation

Accommodation first strikes the outside observer visually. The urban village (*chengzhongcun—城中村*) where Mei Jie lives and works is located in "inner city" Shenzhen. A main street cuts through the center of the village, and small alleyways branch off from it. Walking from the entrance of the village towards its center on the main street, one passes by a few apartment buildings, before arriving at the first major commercial building on the right: a karaoke bar with several hostesses standing outside every day from noon until the early hours of the morning. A few steps further down, the next building houses most of the local government offices (*shequ gongzuo zhan--*社区工作站) for the village. Among other agencies, this includes representatives for letters and petitions (*xinfang--*信访), and local police and family planning offices. Across the street, there is a processing station for police arrests and overnight detention, as well as a family planning clinic. One door down is the hotel where my research assistants and I stayed. It mainly hosts sex workers and clients from neighboring karaoke venues. We would periodically bump into them in the elevator and corridors. One night, the hotel manager pounded loudly on the door of the room opposite my research assistants' room, waking them up. "Do you want a whore?" (*ni yaobuyao ji—你要不要鸡?*) she asked the guest, who proceeded to decline the offer.[721] Across the street is another karaoke bar. The rest of the main street alternates between restaurants, karaoke bars, and small shops. The

[720] It is a common misconception, of both the police and others in China and elsewhere, that sex workers cannot be victims of sexual assault and rape. As sexual service providers, the idea that they might be forced to provide these services against their will is not readily accepted in some circles.
[721] Field Notes, October 31, 2009.

alleyways that branch off from the main street are sprinkled with first-floor "hair salons," streetwalkers crouching on the sidewalk, and rental rooms within these buildings to which sex workers can bring back their clients. The view from every window in the local government offices is of sex workers, clients, and prostitution venues.

This physical coexistence is similarly jarring in the second urban village in Shenzhen in which I conducted fieldwork. It is located in the "outer city," and is the red light district where I witnessed the police crackdown. The neighborhood is centered around a main square. A major road borders one side of it. Two other sides are aligned with side-by-side karaoke venues. The alleyways jutting out from the square are similarly home to dozens of karaoke bars, hair salons, saunas, and massage parlors. The entire area is pedestrian. The second floor of the large building on the fourth side of the square houses the local government offices. The first floor of this same structure houses a karaoke venue.

The accommodation I observed in Shenzhen did not appear to be unique. Instead, I saw versions of it repeatedly in a number of cities. In Beijing, I lived across the street from a brothel. The neighboring building to its immediate right, with which it shared a wall, is an office of the city urban management bureau (*chengguan—城管*).[722] In Guangzhou, as part of a survey of the police, I went to several dozen police stations, and identified their proximity to prominent prostitution venues. It was not uncommon for them to be just a stone's throw away. Shanghai, Shenyang, and Harbin also presented similar patterns. In a country where prostitution is against the law, it is striking to see police stations right next to venues that harbor prostitution. This physical juxtaposition is all the more jarring given the specific article in the regulations governing entertainment venues that address zoning issues. It reads as follows:

> Entertainment venues may not be formed at any of the following places:…Around the committees of the Communist Party of China at all levels and their departments, organs of people's congresses at all levels, people's governments at all levels and their departments, organs of political consultative conferences at all levels, organs of people's courts and people's procuratorates at all levels, and organs of democratic parties at all levels.[723]

Read without any knowledge of the geography of prostitution in China, this clause seems like a generic zoning restriction of little import. Yet juxtaposed with the layout that I encountered in neighborhoods throughout the country, it becomes clear that physical accommodation flies in the face of the letter of the law.

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[722] The *chengguan* are not actually part of the police bureaucracy. They were created in order to manage low-level crime in cities, and prostitution is not part of their official responsibilities. They have gained notoriety for cracking down on street vendors, in some cases beating them to death. Human Rights Watch, "'Beat Him, Take Everything Away': Abuses by China's Chengguan Para-Police," 2012, http://www.hrw.org/node/107191.

[723] *Yule Changsuo Guanli Banfa* 娱乐场所管理办法 [Measures for the Administration of Entertainment Venues] Art. 6.6 (promulgated by the St. Coun., Jan. 25, 2013, effected Mar. 11, 2013).

Strategic Manifestations of Accommodation

Against this backdrop of close physical proximity, the police pursue a variety of different strategies to develop monitoring and protection tools for sex workers, and keep communication lines open with actors in the sex industry. These include issuing registration cards, creating systems to convey important information to sex industry communities, and providing them with crime prevention tools.

Registration Cards

Hostesses in legally operating entertainment venues are required to register with the local police, a process for which managers are held responsible. In practice, this means that any time a police officer checks a hostess's identity card, he can find out that she is a hostess and the venue at which she works. While registration is mandatory and spelled out in the national regulations on entertainment venues, I mainly heard gatekeepers and sex workers in Beijing discuss it as affecting their lives. A manager at one karaoke venue explained that once a hostess asks to work at her business, she needs to register her identity card into an online system.[724] Sex workers confirmed with me that they had gone through this registration process.[725]

Hostesses brought this system up in conversation specifically around the process they follow if they go to a hotel with a client. When they (or anyone else) checks in to a hotel in China, they are required to provide their identity card. That card is immediately registered with the local police station, which can automatically check the person's place of employment. If a hostess provides her identity card, the local police will immediately suspect prostitution. Sex workers know instead to always use the client's identity card, or avoid going to hotels with clients.[726] Xiu Qing explained that she is not even willing to check in to a hotel with another hostess just to get some sleep if she is too tired to return home after work, as she worries that the police will come disturb them, assuming that they are expecting clients.[727] Fei Wen said that police officers who come to them as clients are also unwilling to use their identity card to check in to a hotel with a sex worker, as the local police station would then have a record of their whereabouts, which could get them into trouble for violating the law.[728]

This registration system can therefore facilitate hostess prostitution arrests. I discuss below some of the exceptions to the overall pattern of police not targeting

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[724] Boss Interview, August 26, 2009.

[725] Sex Worker Interview 3, August 23, 2009. Sex Worker Interview 2, August 23, 2009. Sex Worker Interview 1, August 18, 2009. Sex Worker Interview 3, August 17, 2009. Sex Worker Interview 2, August 17, 2009.

[726] Sex Worker Interview 3, August 26, 2009. Sex Worker Interview 3, August 17, 2009. Sex Worker Interview 2, August 17, 2009. Madam Interview, August 17, 2009. Sex Worker Survey Respondent 406. Sex Worker Survey Respondent 479.

[727] Sex Worker Interview 3, August 23, 2009.

[728] Sex Worker Interview 3, August 24, 2009.

middle-tier prostitution for arrest. Hotel arrests are one of them: apprehending a hostess with a client at a hotel incriminates the two of them, but has only limited negative effects on the venue at which she works. The local police thus have fewer concerns about balancing various local political and economic priorities when arresting an individual middle-tier sex worker outside her place of employment. Yet this is not the only purpose of the registration system: it also serves other crime prevention and case investigatory concerns. Lai Lai welcomed them for that reason: "We've all registered. It's no big deal. That way, they know where we're from. If something happens to us, for example if we die, then they can easily find out who to contact."[729] Xiao Wen expressed more reservations about registration, viewing it as an unwelcome branding of a profession that she would rather not be publicly associated with: "The government uses our identity card to make work licenses for us and register us online. But this profession is not honorable. I didn't want to have to register. I'm afraid it will have a negative influence on my child, that it will become public knowledge."[730] One madam's description of the system touched on both of these aspects: "The police make us register for a work permit. On the surface, it is presented as a service to us. But it is actually because they want access to our files, and data on our identity."[731]

This hostess registration system is a form of law enforcement accommodation of the sex industry. Unlike some of the other accommodation tools discussed below, it does not require sex worker buy-in. If the police decide to implement it, they can achieve venue compliance with threats of shutting them down. Once a hostess has registered, no other action is required on her part for the system to be in place. Yet the accommodation comes through in the mere existence and implementation of a policing system that takes the presence of sex workers as a given, albeit officially as hostesses, and serves to keep track of them for a variety of crime control purposes.

Communication Between Law Enforcement and the Sex Industry

A second accommodation strategy involves local police efforts to be in frequent contact with entertainment venue managers, pimps, madams and sex workers. Local law enforcement organizes meetings with them to share warnings, information, and tips. The police also phone and text them with reminders and updates relevant to neighborhood order maintenance.

In some cases, this communication occurs through personal relationships between the police and actors in the sex industry. A manager might have one specific law enforcement contact who will tip him off about upcoming prostitution crackdowns. As Bing Bing described it, "the manager has an informant [in law enforcement], who will warn him before [inspections] (*laoban juli youren, hui tiqian gaosu—老板局里有人，会提前告诉*)."[732] One manager explained how her contact warns them during these events

[729] Sex Worker Interview 1, August 18, 2009.
[730] Sex Worker Interview 2, August 17, 2009.
[731] Madam Interview, August 17, 2009.
[732] Sex Worker Interview 2, August 15, 2009.

to only allow familiar faces into her space, in case undercover officers from other jurisdictions come disguised as clients.[733] The personal relationship can also be directly between sex workers and the police. Xiao Yang explained to me that "the police are pretty good, they protect us, tell us when not to go out [with clients], and tell us which places aren't safe, where people have been murdered."[734] Fei Wen described how the police will stop by the venues, and warn them about robbers and escaped criminals who are thought to be in the neighborhood.[735] Wen Ling described assistant police officers coming in and telling them to lay low at certain times.[736] Sex worker survey respondents recognized getting police warnings both directly or through pimps.[737]

In addition to these one-on-one relationships, local law enforcement also holds official meetings for venue managers, during which they convey public order and safety information. Upon returning to their venue, the managers then organize meetings with all hostesses to pass that same information on. Ting Ting described the process as follows:

> The boss and the manager often have meetings [with law enforcement] (*qu kaihui—去开会*). After their meeting, they have a meeting with us. The meetings happen twice a month. Sometimes the meeting is at the local police station. Yesterday, they went to the city police station. The manager told us that it was because of the 60th anniversary [of the PRC].[738] The police were going to inspect for pornography, gambling, and drugs.[739] They gave us a safety warning, and said that it is forbidden to do those things in the venue. We'll get fired if the manager discovers us doing any of that, and if it's serious, they may even send us to the police station. The managers do that to protect themselves. If the police find these things occurring, they'll not only fine the manager, but also shut down the venue.[740]

Jing Ming described a similar system: "The boss and madam get called in for meetings and told about crackdowns. Then they'll come back, and tell us…to all be careful, be attentive, and avoid conflicts with clients."[741] The content is also sometimes tied to the hostess registration system described below, to ensure that managers are implementing it properly.[742] A number of other sex workers and madams spoke of these meetings.[743] In

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[733] Boss Interview, August 26, 2009.
[734] Sex Worker Interview 2, August 18, 2009.
[735] Sex Worker Interview 3, August 24, 2009.
[736] Sex Worker Interview 7, August 20, 2009.
[737] Sex Worker Survey Respondents 118 and 407, Question 81.
[738] The 60th anniversary of the founding of the PRC occurred on October 1, 2009. I conducted many of my sex worker interviews in August 2009. As often occurs in the lead-up to major national holidays and events, social order and stability concerns were heightened in the months preceding the celebrations.
[739] These three vices (黄赌毒) are often discussed together in relation to entertainment venues. Pornography is understood to encompass prostitution.
[740] Sex Worker Interview 2, August 23, 2009.
[741] Sex Worker Interview 6, August 23, 2009.
[742] Sex Worker 7, August 21, 2009.

some cases, sex workers are called to participate in them directly. Fei Wen recognized the delicate nature of these events:

> Even bad guys and the devil (*qunou emo*--群殴恶魔) attend meetings…The most recent meeting I attended was last year. They had us go to the local government offices, and asked us to cooperate with their efforts to maintain public order. Another time we had a meeting at the police station close by, everyone in the venues had to go. They warned us about thieves and swindlers, and told us to be very careful.[744]

Gatekeepers also spoke to me about these meetings. One manager explained that "since there's a crackdown (*yanda—*严打) going on now, they constantly call us and send us text messages, and have us come in for meetings."[745] She had attended three or four meetings in the previous month at the district police station. She further noted that they do this as it is in their interest to avoid troubles that would reflect poorly upon their capacity to maintain order in the neighborhood. One madam described monthly meetings with all the entertainment venue bosses and managers, who then organize a separate meeting for venue madams.[746] The content varies. A recent one warned them to be on the lookout for cross-jurisdictional raids, as one had just occurred in the district next door and the local police have no knowledge or control over them.

This emphasis on meetings will sound familiar to readers with knowledge of Chinese work culture. Meetings are ubiquitous in legitimate work environments. It makes sense that this tried-and-true method would be similarly adopted for communication both within the illicit sector, between gatekeepers and sex workers, and also as a tool for legitimate authorities to communicate with the sex industry. It is also somewhat incongruous, and humorous, to imagine a roomful of brothel managers and sex workers attending lectures at a neighborhood police station about public security maintenance in the area.

Law Enforcement Crime Control Tools

In addition to creating systems to transmit information to gatekeepers and sex workers, local law enforcement officials also provide them with tools that serve both to protect sex workers from harm, and shield local law enforcement officers from negative attention that comes from high crime rates and disorder in the neighborhood.

One instance of the use of such tools involves the type of emergency phone number that the local police recommend for use within venues. The Chinese equivalent of 911 is 110. Anyone in immediate danger can call it. An emergency call to 110 is officially recorded and automatically becomes part of the statistics that are used to assess

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[743] Sex Worker Interview 2, August 18, 2009. Madam, August 15, 2009.
[744] Sex Worker Interview 3, August 24, 2009.
[745] Boss Interview, August 26, 2009.
[746] Madam Interview, August 21, 2009.

crime levels and the quality of crime control in a neighborhood. Local law enforcement has no control over that data once someone makes a call to 110. This creates an incentive for them to reduce the number of calls that are made from individuals in entertainment venues to 110. One method I observed the local police use to address this issue is to encourage gatekeepers, hostesses, and clients to call the phone number that connects directly to the nearest local police station, instead of the general 110 number. Entertainment venue regulations require them to have placards throughout the space—including in the private rooms—that state that drugs, gambling and prostitution are forbidden.[747] The phone number that they provide for reporting the occurrence of any of these activities is 110. The image below is an example of what these signs generally look like:

Figure 6.1: Entertainment Venue Placard Forbidding Drugs, Gambling, and Prostitution[748]

Yet what I observed in the venues in one red light district in Beijing were placards where a sticker with the phone number of the local police station was covering up "110." When I asked about it, the manager of one of those venues told me that the local police had made the change: "the police all stick their own local (*pianqu—片区*) phone number [on the placard]. They don't want us to call 110."[749] This had been the topic of one of their meetings with the district police station. At the meeting, the police specifically told them that they do not like it when they call 110. "That is not beneficial to anyone," they were told.[750] Doing so creates an official record of the problem. It reflects poorly on the police as incapable of maintaining control over the area under their jurisdiction. It could result in points being deducted for the local police, and harm them professionally.[751] To be clear, these signs request their viewers to report any knowledge of drug abuse, gambling, or prostitution. They do not instruct gatekeepers, clients, or sex workers to call

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[747] *Yule Changsuo Guanli Tiaoli* (娱乐场所管理条例) [Measures for the Administration of Entertainment Venues] Art. 30 (promulgated by the St. Coun., Jan. 18, 2006, effected Mar. 6, 2006).

[748] The sign reads: "It is strictly forbidden to engage in illegal criminal activities such as drug use, drug trafficking, gambling, prostitution, etc. To report, call: 110."

[749] Boss Interview, August 26, 2009.

[750] Boss Interview, August 26, 2009.

[751] Boss Interview, August 26, 2009.

if they are in imminent danger. Yet in practice, they serve as a general notice for the number to call in case of any problems in the venue.

In the city where I shadowed police officers, law enforcement in several districts had set up an alarm system in venues so that endangered sex workers or gatekeepers do not even need to make a phone call to the police. Instead, they can simply push the alarm button. This system was created in specific response to an increase in violence against sex workers in several areas in the city. In one district, every entertainment venue has them. It is a silent warning that goes directly to the district police station and alerts them to immediately dispatch agents to the venue. In another district, the police installed alarms that, when pushed, set off loud noises and flashing lights, in order to both scare away the perpetrator, and serve as a call for help from anyone in the vicinity. The police had installed a total of 800 of these two warning systems in three of the city's districts, at a cost of 300 yuan (50 USD) per alarm.[752] This is an informal crime control strategy, rather than an officially-approved program. As one police officer described it, it is "done but not spoken about" (*zuo bu shuo*—做不说), because of the sensitivity of a system designed to protect sex workers rather than punish them.[753] If publicized, it would attract a lot of unwanted attention. In his words, "it is as close as we can get to saying that we will help out, without legalizing prostitution."[754]

I do not know the extent to which these particular tactics are widespread, whether they be registration cards, meetings between the authorities and actors in the sex industry, alarm systems, or local phone number placards. The police officers with whom I spoke about the alarm system underscored its novelty, and were not aware of other places that had enacted similar crime prevention methods within entertainment venues. I heard about meetings in several different cities. I also noticed the local phone numbers in several places, and others have described their implementation in the city of Guangzhou.[755] In fact, in that same city, the police were accused of creating a system to actually fine migrant workers if they called the 110 emergency hotline during the 2010 Asian Games, rather than using the local number.[756] Prostitution and crime control present challenges throughout China. I studied them in a number of large and medium-sized cities all along China's eastern coast, in the South, and in two central provinces. In the handful of municipalities where I conducted my fieldwork, I observed local level law enforcement flexibility to experiment with crime control tactics around prostitution. I also heard the police recognize their independence in this area of policing.[757] This leaves open the possible existence of these and other creative, unofficial measures for the police to control prostitution-related crimes in places throughout the country.

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[752] Field Notes, August 5, 6, 7, and 9, 2009.

[753] Field Notes, August 9, 2009.

[754] Field Notes, August 9, 2009.

[755] Jianhua Xu, "Police Accountability and the Commodification of Policing in China: A Study of Police/Business Posters in Guangzhou," *The British Journal of Criminology* 53, no. 6 (2013): 1106–1107.

[756] Zhang Hao 张昊 and Tu Feng 涂峰, "Congwei Fabu 'Boda 110 Yaobei Fakuan' 从未发布'拨打 110 要被罚款' [There Has Never Been Such An Order 'Don't Call 110 or Get Fined' Being Published]," *China Rule of Law 中国法治*, November 2, 2010, http://hunan.xn--fiqs8sd1s7c.net/msxz/2010/1102/1588.html.

[757] Field Notes, August 7, 2009.

Effectiveness of Accommodation

In order for many of these crime prevention strategies to work, sex workers need to trust that they will not get in trouble for selling sex if they reach out to the police for assistance. This observation does not apply to registration cards, as these are simply monitoring devices that facilitate police control over hostesses, and do not require any specific actions on behalf of sex workers in order for them to serve their purpose. Yet for a sex worker to be willing to contact a police officer to report a crime, imminent danger, or more generally share information she learns that might be useful for local law enforcement, she needs to feel that she is not compromising her own safety. By and large, sex worker testimony suggests that the local police are fairly successful at forging close relationships with individuals in the middle tier of the sex industry.

Entertainment venue hostesses spoke openly about close relationships with the police, and their willingness to call them for help. In the words of one madam, when sex industry actors call, they feel comfortable knowing that the police will respond, "because the police are worried about public order problems."[758] Hostesses consistently told me that they feel comfortable calling the police when they encounter an unruly client. To clarify, these are situations in which they would be in a legitimate entertainment venue, singing, dancing and drinking with clients, rather than in a situation in which the only interaction involved the exchange of sex for money. Their positions in legitimate entertainment venues provide these women with a protective veil of legality. Even so, their willingness to seek assistance while working right at the border of an illegal exchange provides evidence that the local police are succeeding in their efforts to create open channels of communication within this community. Bing Bing estimated that in her venue, hostesses will report to the police about four or five times a year. Generally, it happens when a conflict arises with a client:

> Clients are not all of very high quality (*bushi meige keren suzhi name hao*--不是每个客人素质那么好). If they have had too much to drink and want to harass a hostess, if an argument happens and they start beating the girl, if she has a bad disposition (*piqi buhao*-脾气不好) then she'll report it to the police.[759]

Several interviewees described similar situations involving drunk clients beating hostesses who then call the police to intervene.[760] Hostesses also call the police to complain about clients who do not tip them for the legitimate services they provide (singing, dancing, and drinking). The tip is the only wage a hostess earns in an entertainment venue. Xiao Hua described a situation in which her colleague's client refused to tip her. She called a police contact of hers, who told the client: "if you want to

[758] Madam Interview, August 15, 2009.
[759] Sex Worker Interview 2, August 16, 2009.
[760] Sex Worker Interview 4, August 15, 2009. Sex Worker Interview 5, August 16, 2009.

play, you have to play nicely, and you should pay for what you're getting."[761] Clients also sometimes feel justified in reaching out to local law enforcement. In one case, a client wanted to leave a karaoke bar with a hostess and purchase sex from her. She refused. After paying his bill, he proceeded to kick her repeatedly until she passed out, and then started dragging her out of the venue. Another hostess grabbed an ashtray and hit him on the head with it. The client called the police, who sided with the sex workers.[762]

Survey responses also provide evidence of greater accommodative behavior towards middle-tier sex workers. For example, they are more likely to report that the police came to their venue in response to a call someone at the venue had made for assistance with a violent client.[763] Of 482 middle-tier sex workers, 46 percent identified this occurring, versus 18 percent of low-tier respondents. These responses suggest that women in the middle tier call the police more often, an observation that my qualitative evidence supports, and that indicates closer and more comfortable accommodative relationships between these two groups.[764] Furthermore, survey responses also highlight less traditional policing in entertainment venues. Specifically, and as also discussed in Chapter Five, while 35 percent of low-tier sex workers reported high frequency of inspections, only 16 percent of middle-tier respondents did so.[765] The reports of comparatively low levels of inspections in karaoke venues suggests that the dominant approach in this tier is one of accommodation.

While hostesses spoke of knowing the local police and feeling comfortable reaching out to them, they also made clear that they do not provide them with sexual services. They have plenty of clients who work in law enforcement, yet rarely from their own neighborhood. Instead, police officers purchase sex in neighborhoods different from those that they patrol. Otherwise, they risk being recognized, and could suffer

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[761] Sex Worker Interview 3, August 15, 2009. ("警察就给客人说要玩好玩得起，该给的及得给.")

[762] Sex Worker Interview 3, August 15, 2009.

[763] The question asked was: "When the police come, what is their goal?...They came in response to us calling them because of a client behaving violently." (当他们来的时候，他们的目的是什么?...因为有客人发生暴力行为，我们打电话叫警察来.)

[764] I cannot exclude the possibility of more violence occurring in the middle-tier venues, which could also explain a higher frequency of calls for police assistance. That said, I would expect more violence in low-tier venues, as the women there generally have fewer gatekeepers and colleagues to protect them, and would tend to attract clients intent on harming them as they are generally considered more vulnerable. This response could also indicate that the police are more responsive to middle-tier calls, though the qualitative evidence does not support that possibility as law enforcement officers are held accountable for all serious crimes that occur in their jurisdiction.

[765] The question asked here was: "In the past year, how frequently did the police come to your workplace for the purpose of inspection?" (在过去的一年，警察来你的工作地检查得有多频繁?) I coded the following responses as "infrequent": never; more or less every month; a few times a year; once a year. I coded "frequent" as: every day; several times a week; once a week; and 2-3 times a month.

professional consequences for engaging in prostitution.[766] The survey evidence supports this observation. More than half of the survey respondents working as middle-tier hostesses reported having a client who was a police officer in the previous six months (53 percent, 254 respondents).[767] In addition, when asked whether they recognize the police officer who comes to their venue for official inspection reasons, 21 percent of middle tier respondents acknowledged knowing them. That said, only 2 of those sex workers said they knew them because they had previously come as clients. Instead, they were much more likely (108 of the hostesses) to say that they recognized them because the same one comes every time to carry out inspections. These responses thus suggest that the police separate their law enforcement responsibilities from the benefits they can gain from their position of power.

This conscious decision to not abuse their power to obtain sexual services in their own neighborhood speaks to how important it is for local law enforcement to maintain good working relationships with the sex workers and gatekeepers in their jurisdiction. If they cross the line to become participants in local sexual transactions, they might jeopardize the system that allows them to maintain order in the space for which they are responsible. One might expect sex workers to feel more comfortable reaching out to a client for support. Yet sexual interaction between two individuals, regardless of whether or not it involves prostitution, often complicates their professional dynamics. The more risk-averse approach is to avoid entering into such a fraught realm of human relations in the first place.

Village Dynamics

For accommodation between the local police and actors in the sex industry to be successful, it requires that individuals from these two groups develop a human connection, and know each other on a personal level. In the red light districts with which I became most familiar—both in Shenzhen—I found that such relationships characterized not only the interactions between law enforcement and the entertainment industry. Instead, both of these settings felt more generally like small villages, where everyone knew each other. While Shenzhen is an enormous, sprawling city with a population of over 15 million, the anonymity that often comes with large metropolises felt absent from these neighborhoods.

Mei Jie is the madam whom I discuss in Chapter Four. As a gatekeeper in the bottom rungs of prostitution, she is not actually a prime beneficiary of police accommodation. Yet she knew everyone in the community. During our early evening walks, it sometimes took an hour to walk the half-mile around the block. First, we would stop and chat with the bank teller. Two doors down, we would then catch up with the cell phone booth manager. The restaurant owners would also wave us in for a quick

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[766] Sex Worker Interview 1, August 15, 2009. Boss Interview, August 26, 2009. Sex Worker Interview 3, August 24, 2009. Madam Interview, August 21, 2009. Sex Worker Interview 7, August 20, 2009. Sex Worker Interview 4, August 20, 2009. Sex Worker Interview 5, August 24, 2009.

[767] By contrast, only 12 percent of streetwalkers (2 respondents) and 33 percent of women working in massage parlors (2 respondents) had had a police officer as client in the previous 6 months.

exchange of local gossip. My personal favorite was the local kung-fu teacher, who loved to show me video recordings of himself splitting bricks and performing various other complex martial arts moves. It was during these walks that some of our interlocutors asked whether I was a Russian sex worker.

In that same neighborhood, the community feeling even extended to a system of free, shared scooters. The police sub-station in that area owned a number of white scooters, each emblazoned with the name of the police station and an individual number. I saw people dressed in civilian clothes driving them around everywhere. At first, I assumed they were all off-duty police officers, going to or from work. Yet it soon became clear that these scooters were available for public use: anyone who needed to run an errand could simply hop on it and return it when they were done. This is the type of honor-code based system that can only work in an extremely tight-knit community.

The village feeling was similarly powerful in the red light district in outer Shenzhen. In late weekday afternoons, a scene would unfold in which members of the community, local government actors, and individuals in the sex industry would all commingle in the central square. It has a basketball court on it, and middle and high school boys would play on one half, while members of the neighborhood government association (*juweihui—居委会*), including the family planning staff who were supporting our research, would start their own game on the other half. Right next to the basketball court, a group of retirees would assemble for ballroom dancing, with music blasting from their boombox. Hostesses would sit on the steps in front of their venues, or huddle in small groups in the square, chatting with friends. Children returning home from school would stream through the square, stopping for snacks from the food stand vendors, and weave their way around the dancers, the basketball players, and the hostesses. These disparate groups sometimes seemed like they were leading unrelated lives while superimposed onto a shared physical space. Yet they also recognized one another's presence, and would enter into dialogue with each other. I stood outside one afternoon watching the two basketball games, when Chen Ge, the pimp running a low-tier mom-and-pop brothel walked over. We started talking, and Wang Zhuren, the head of the neighborhood family planning department, came over from his office to watch also. Soon, the two of them were discussing the pros and cons of legalizing prostitution in China. Yet they were not trying to justify any particular position on the matter. Instead, they were two individuals simply reflecting upon the realities of contemporary Chinese politics, policies, and social and economic problems. While the act of exchanging money for sex is often considered extremely private, intimate, and anonymous, in these spaces, it occurs within a broader environment that feels very public and communal.

Exceptions to Accommodation

While accommodation is the predominant dynamic between the police and the middle tier of the sex industry, individuals working in this realm of prostitution are not completely immune to law enforcement sanctions. Three main types of exceptions exist. The first, which I described above, involves arresting sex workers in hotels. The second occurs as part of village politics dynamics, between local venues and local officials. The

third type is cross-jurisdictional, and involves law enforcement interventions from outside the neighborhood that bypass the local police.

Local law enforcement can change their cooperative tune for individual venues that push the boundaries of accommodation too far. This generally occurs when a manager does not take those steps necessary to cultivate a good relationship with the local authorities. As Zi Han describes it: "I have some friends working in a venue who were arrested, incarcerated for a few hours and then released…At that time, the boss hadn't properly dealt with (*meiyou chuhao—没有处好*) his relationship with the police."[768] Xiao Yuan provided a comprehensive overview of the measures necessary for venues to stay in the good graces of the police:

> The boss has to give the police presents. He has to make arrangements with individuals throughout the chain of command (*congtoudaowei—从头到尾*). It does not work if you only give gifts to those at the top. Otherwise, those at the bottom will still come and make trouble…In this business, you need to maintain good relationships with everyone. If you're even short one person, it won't work.[769]

Gifts in these cases generally come in the form of cash, and a number of middle-tier sex workers more directly explained that when their bosses did not pay the police a sufficient amount of money, the latter would retaliate with frequent inspections of that venue and arrests of the women working there.[770] Venue managers have control over these types of unwelcome interventions. They are instigated within the village microcosm where the managers know the decision makers who are targeting their space. The solution is straightforward: the managers simply need to provide them with a satisfactory bribe.[771]

In contrast, cross-jurisdictional crackdowns, which are the third major exception to accommodation, are out of the hands of both gatekeepers and the local authorities. These events recognize the existence of accommodation between the sex industry and local law enforcement, and aim to disrupt it. When they occur, the extra-jurisdictional police proceed without alerting the local authorities. A police chief in the city where I shadowed law enforcement described a crackdown of this type that had recently occurred in his district.[772] The national Ministry of Public Security had orchestrated the event, in collaboration with the provincial police bureau. They first arrived at the district police station, and confiscated each police officer's cell phone. This move aimed to prevent any individual officers from warning their sex industry contacts of an impending crackdown.

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[768] Sex Worker Interview 1, August 16, 2009.

[769] Sex Worker Interview 3, August 18, 2009.

[770] Sex Worker Survey Respondents 310 and 312, question 81.

[771] Accommodation can and does coexist with corruption. Many of the interactions between the police and the sex industry that I describe in these pages underscore the corrupt behavior of the police, whether it be individual police officers who abuse of their personal power to extort free sexual services, or more institutionalized demands for bribes from venue managers in exchange for tacit permission to operate without local police interference.

[772] Field Notes, August 7, 2009.

Simultaneously, two plainclothes police officers were masquerading as clients in the venue they were targeting. These officers confirmed that prostitution was occurring in the venue, and more uniformed officers rushed in to make arrests. In that interim, a number of sex workers and clients were able to escape, which the police chief attributed to the possibility that someone had been able to issue a warning despite the cell phone confiscation process. In the end, only two prostitution arrests were made. Law enforcement officers in a different district of that same city recounted experiencing a similar incident in the recent past as well.[773] Gatekeepers and sex workers in Beijing spoke of similar experiences.[774] One venue boss explained that her police contacts would warn her as soon as they became aware of a cross-jurisdictional crackdown.[775] She described an experience where a client came up to her venue in a car with a license plate from the Northern province of Jilin, asking for sex workers. This made her suspicious, and she claimed that the women in her venue did not provide sexual services. She later learned that he was an undercover police officer from that province.

Theorizing Accommodation

Despite these exceptions, which keep gatekeepers and sex workers on their toes and underscore the precariousness of this approach to crime control, accommodation appears to be the dominant approach to policing prostitution in the middle tier. By accommodating prostitution, the Chinese police are engaging in community policing. This approach contrasts with more reactive policing styles, which involve responding to specific calls for help. It aims to strengthen ties between law enforcement and the community through increased communication and contact, in order to foster greater trust so that individuals will feel more comfortable reporting crimes.[776] It assumes that "ordinary citizens have a contribution to make to the policing enterprise and are partners in the production of social order."[777] One of its main goals is for citizens to assist the police with crime-reduction.[778] One of its characteristics is a decrease in arrests for everyday violations of the law.[779]

As an instance of community policing, the accommodation of prostitution is particularly striking because it is not simply a relationship between law enforcement and ordinary, law-abiding members of society. Instead, it occurs with individuals who are

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[773] Field Notes, August 9, 2009.

[774] Sex Worker Survey Respondent 127 and 407, question 81.

[775] Boss Interview, August 26, 2009.

[776] Jeannine Bell, "The Police and Policing," in *The Blackwell Companion to Law and Society*, ed. Austin Sarat (Oxford, UK: Blackwell Publishing Ltd, 2004), 131–45, http://doi.wiley.com/10.1111/b.9780631228967.2004.00010.x.

[777] Jerome H. Skolnick, *Justice Without Trial: Law Enforcement in Democratic Society*, Kindle edition (New Orleans, LA: Quid Pro, LLC, 2011), location 7482.

[778] Jerome H. Skolnick and David Bayley, *Community Policing: Issues and Practices Around the World* (Washington, D.C.: U.S. Dept. of Justice, 1988); Susan L. Miller, *Gender and Community Policing: Walking the Talk* (Boston, MA: Northeastern University Press, 1999).

[779] Stephen D Mastrofski, Robert E Worden, and Jeffrey B Snipes, "Law Enforcement in a Time of Community Policing," *Criminology* 33, no. 4 (November 1, 1995): 539–540, doi:10.1111/j.1745-9125.1995.tb01189.x.

actively violating the law. It involves police officers thrown into the heart of active red light districts, full of brothels, pimps, sex workers and clients, turning a blind eye to all of that, and instead engaging with these individuals in an effort to prioritize other policing goals. Such accommodation is more extreme, with respect to the scope and intensity of illegal activities being overlooked, than those practices that are generally considered everyday violations of the law, such as jaywalking, parking violations, or speeding.

Community policing is assumed to be a strategy of democratic policing. In Jerome Skolnick's words, it is "almost a new vision of the role of police in a democratic society."[780] In fact, in his 1960s study of the Oakland vice squad, he specifically addresses one approach to the policing of prostitution. Any woman arrested for prostitution must be tested for venereal diseases and quarantined in jail for up to eight days.[781] In practice, the police enforce this policy selectively. Skolnick rejects two interpretations for this behavior: that the police are kind individuals who do not want to incarcerate sex workers, or that they are comfortable disregarding regulations based on their individual proclivities. Instead, he argues that the police are driven primarily by a desire to make felony convictions, as such cases reflect positively on their record. Placing a sex worker in quarantine does not contribute to the professional advancement of a law enforcement agent. Yet a sex worker can provide valuable information to help the police solve crimes that they do care about, and leniency around the quarantine policy is one method of gaining sex worker cooperation.[782]

The interdependence that I observed between the police and sex workers in China is similar to what Skolnick describes occurring in Oakland 50 years earlier. He characterizes the non-enforcement of the quarantine policy as "a dramatic example of the police creating for themselves a discretionary structure, previously nonexistent, in order to manage relations with a class of repeated offenders who may be obstreperous."[783] The same can be said of the accommodation measures I observed in China—the strategies of communication between the police and actors in the sex industry, the local police phone numbers, and the alarm systems. Yet discussions around patterns of policing that involve collaborative engagement with citizens are generally framed as issues of policing within democratic states.[784] Skolnick clearly states that he is examining law enforcement in a democratic society.[785] The title of his book is *Justice Without Trial: Law Enforcement in Democratic Society*. He specifically contrasts the meaning and purpose of law in such an environment with the conception of law that exists in the "total states" of Soviet Russia and Communist China, albeit writing in the 1960s and referring to events that occurred in

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[780] Jerome H. Skolnick, *Justice Without Trial: Law Enforcement in Democratic Society*, 4th ed. (New Orleans, LA: Quid Pro, LLC, 2011).
[781] Skolnick, *Justice Without Trial: Law Enforcement in Democratic Society*, location 2842.
[782] Ibid., location 2855.
[783] Ibid., location 2909.
[784] David Sklansky, *Democracy and the Police* (Stanford, CA: Stanford University Press, 2007); M. R. Haberfeld and Ibrahim Cerrah, eds., *Comparative Policing: The Struggle for Democratization* (Los Angeles, CA: SAGE Publications, Inc, 2007).
[785] Skolnick, *Justice Without Trial: Law Enforcement in Democratic Society*, 836.

previous decades.[786] In reference to behaviors such as the quarantine discretion, he notes that "the dilemma of the police in democratic society arises out of the conflict between the extent of initiative contemplated by nontotalitarian norms of work and restraints on the police demanded by the rule of law."[787] Referencing Reinhard Bendix, he notes:

> Subordinates in a totalitarian society are offered little opportunity to introduce new means of achieving the goals of the organization, because subordination implies obedience rather than initiative…By contrast, in a nontotalitarian society, subordinates are encouraged to introduce their own strategies and ideas into the working situation.[788]

One of the key distinctions that Skolnick draws between these two political systems is how, in a democracy, "[m]ost important of all, rule is from below, not from above. Authorities are servants of the people, not a "vanguard" of elites instructing the masses."[789] Yet I observed discretion in the actions of Chinese police officers vis-à-vis prostitution, just as I saw them behave in service of sex workers, madams, pimps, and venue owners. Just like their counterparts working in a democratic regime, the police in China display interdependence in relation to members of the society in which they are responsible for maintaining order. The Ministry of Public Security is the most powerful government agency in China. It is counterintuitive to witness some of its local-level officials depend upon and tread so carefully in its dealings with sex workers, who are amongst the most downtrodden, marginalized and oppressed individuals in Chinese society. It is not unreasonable to assume that the police in authoritarian regimes would mainly use oppressive techniques in their interactions with powerless individuals in society. Police abuse of power is a prominent issue in democratic regimes, so it makes sense to consider that it might be much more prevalent in a political system with far fewer institutionalized checks and balances on the behavior of law enforcement officers. Instead, my findings underscore how in some instances the behaviors of local level police, thought to represent larger questions of a specific political system, instead transcend regime type. In a world of finite resources and conflicting priorities, there are limited ways for law enforcement officers in the trenches to efficiently maintain order in their community and carry out the responsibilities of everyday policing. Regardless of the overarching ideology that guides their political system, they work to create human bonds and relationships of trust with community members.

Conclusion

State health actors focus their efforts on middle-tier hostesses. Their interventions suffer from a number of problems that lead to inaccurate estimates of HIV/AIDS rates within communities of sex workers, and which are the result of a number of institutional weaknesses that are built into China's health agency infrastructure. While health actors

[786] Ibid., location 857sq., and 5713sq.
[787] Ibid., location 5716sq.
[788] Ibid., location 5735.
[789] Ibid., location 931sq.

seek to navigate these constraints, the police are similarly occupied with navigating their own set of challenges, which result in an overall accommodative relationship with actors in these ranks of prostitution. These two agencies do not operate in separate realms. Instead, the power of the police agency affects the intervention decisions of actors in the public health sphere, and law enforcement can occasionally be convinced to create a space in which health can operate. Local level actors in the realms of health and policing also find their actions to be shaped by the commercial importance of this tier of the sex industry.

Chapter Seven: Honeys--Prostitution and the Corruption of China's Elite

Introduction

Within elite political and economic circles in China, a third form of prostitution comes to the forefront: second wives (*ernai*—二奶), who serve as mistresses to elite government officials and businessmen. The previous chapters highlight the state's overwhelming focus on sex workers, rather than clients, in the low and middle tiers of the sex industry, both with respect to policing and health outreach. Yet in the highest ranks of the sex industry, the state has limited interest in either imposing sanctions on these women for the services they provide clients, or targeting them for HIV/AIDS testing and education. More generally, health agencies are not involved in the elite sex industry at all. Instead, policing is the only type of state intervention to occur within this tier of prostitution, and it takes on two related characteristics.

First, it is almost exclusively focused on punishing the men who purchase sexual services. It generally completely disregards the second wives. Occasionally, it even benefits from the women's roles as whistleblowers, when they choose to denounce their former partner, either in retaliation for being jilted, or in response to finding out that a man claiming to be unattached was in fact married, and/or kept several other mistresses as well. In any of these cases, the state does not punish the women for prostitution.

Second, the state's goal in targeting these men is not only to discipline them because they are engaged in the sex industry and extramarital affairs. In addition, specific elites often become political personae non gratae for reasons tied to larger CCP power struggles. Efforts to engineer their downfall take the shape of corruption investigations. Given the prevalence of prostitution, both throughout Chinese society and specifically amongst powerful elites, targeting these men's sex lives is a low-hanging fruit that provides easy entrée into a broad range of other corrupt activities, such as misuse of public funds for the private purpose of maintaining a mistress.

As is the case with how the state chooses to enforce regulations in the realms of streetwalking and hostessing, here too, state forays into elite prostitution do little with respect to accomplishing official prostitution policy goals of reducing the phenomenon's occurrence and the spread of HIV/AIDS. Yet the driving force behind state actions around elite prostitution also differs from the concerns leading to interventions in the low and middle-tiers of the sex industry. In Chapter One, I discussed the ways in which Chinese state actors present a veneer of adherence to the law, which allows them to provide superficial evidence that they do in fact enforce prostitution laws while simultaneously allowing those same activities to flourish. That observation characterizes enforcement decisions in the low and middle tiers of the sex industry, where the goal is to demonstrate adherence to prostitution policies. Yet such concerns for maintaining appearances around prostitution policies are peripheral to state interventions in elite prostitution. Instead, prostitution is used as a tool to achieve the larger goal of publicly humiliating, discrediting, and purging individuals for reasons often only tangentially related to the purchase of sex.

Second wives often share the socio-economic characteristics of their lower-tier colleagues, despite their different work environments. The regulations and agencies that the state uses to carry out its prostitution policing functions in this category of the sex industry, instead of having the eradication of prostitution as their main goal, are focused on the issues of marriage, and corruption. A number of recent examples of investigations reveal the Chinese government's use of these policies to focus on the lives of corrupt officials. Yet despite the focus on men in the courtrooms, these women do not always escape unscathed, as they are often on the receiving end of moral blame for the downfall of their clients.

Characteristics of Elite Prostitution

The descriptions of streetwalkers and hostesses in the preceding chapters fit comfortably within general perceptions of the concept of prostitution. Yet the idea that second wives in China also fall within this category may not seem as straightforward. These women and their clients are engaged in the exchange of sex for money or material benefits, behavior that by definition constitutes prostitution, as noted in Chapter One. Furthermore, Chinese policy and discourse also considers being a second wife to be a form of sex work, as do other academics who conduct research on the sex industry in China.[790] In addition, mistresses frequently were hostesses prior to becoming "kept" by one client, and may return to hostessing if or when the relationship ends. These are all reasons to consider second wives and their clients as engaging in prostitution, despite the fact that both parties to the transaction would likely object to such a characterization of their relationship.

Second wives generally come from two segments of the population. In many cases these are the same kind of people who work as hostesses in entertainment venues. They are poor women from rural areas who have migrated to cities in search of employment. They would generally begin working as hostesses prior to becoming mistresses. Through that process they meet clients who take a particular liking to them and shower them with gifts.[791] Eventually, the clients rent or buy them an apartment and provide them with a monthly stipend, allowing the sex workers to stop working in entertainment venues and enter into an exclusive relationship. This was the case for Shanshan, who migrated from rural Sichuan to its capital, Chengdu, when she was 17. She worked as a hostess in a karaoke bar there, and then moved to Beijing to pursue similar work. Wu was a repeat client who worked at a state-run oil company. He put

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[790] Elaine Jeffreys, *China, Sex and Prostitution* (London; New York: RoutledgeCurzon, 2004), 168–172. Tian Tian Zheng, the anthropologist and author of *Red Lights: The Lives of Sex Workers in Postsocialist China* (Minneapolis: University of Minnesota Press, 2009), considers mistresses as sex workers. NPR Staff, "Corruption Blurs The Lines Of China's Mistress Culture," *National Public Radio*, March 2, 2014, http://www.npr.org/2014/03/02/284905579/corruption-blurs-the-lines-of-chinas-mistress-culture.

[791] Brendan Hong, "China's Concubine Culture Lives On in Mistress Villages," *The Daily Beast*, April 14, 2014, http://www.thedailybeast.com/articles/2014/04/14/china-s-concubine-culture-lives-on-in-mistress-villages.html; James Palmer, "How Young Women in China Become Mistresses," *Aeon*, October 10, 2013, http://aeon.co/magazine/society/why-young-women-in-rural-china-become-the-mistresses-of-wealthy-older-men/.

Shanshan up in an apartment that cost more than 2.5 million yuan (410,000 USD), gave her a monthly allowance of about 20,000 yuan (3,260 USD), and showered her with expensive gifts.[792] Others share similar stories of the paths that migrant women take from hostessing to becoming a second wife.[793] Hostesses who want to make this transition sometimes encounter obstacles from within their karaoke venue. Mei Lin had worked in a venue that specifically forbade its sex workers from becoming kept women. As she explained it:

> When a hostess becomes kept (*baoyang*—包养), she won't come to work anymore. The client also won't often come to the venue. The venue loses the revenue it would get from things like room rental and drinks. That is a lot of money. So in order to keep clients, they don't let the hostesses randomly take off with them. They're scared they'll develop too close a connection, and become kept women.[794]

In an attempt to control and prevent the development of these relationships, any client who wanted to purchase sex from a hostess working in that venue was required to make those arrangements through her madam, rather than directly with her.

Female university students also fill the ranks of second wives. This phenomenon is ubiquitous. On weekend evenings, the gates by the entrances of university campuses throughout the country are lined with sleek cars that whisk some college students away to their clients. These are women whose education, in addition to their youth and attractiveness, presents assets to the men who choose to support them. They would not generally be working in an entertainment venue prior to entering into a long-term relationship with a client. Instead, they might meet while out in bars or clubs, online, or through specialized agencies devoted to such matchmaking.[795] These women's education levels often set them apart from women recruited as second wives from karaoke venues. That said, their socio-economic background is often similar. The student bodies of Chinese universities are full of young women and men from rural and poor areas who, through their academic accomplishments, are able to pursue higher education. Despite their different educational backgrounds, shared experiences with poverty often drive both of these groups of women to become second wives.

Mistress relationships can last for anywhere from a few months to many years.[796] In some cases, when they end the women have become financially independent from all the money and gifts they have amassed over the years. They might have significant savings, be running their own business, and have property under their name.[797] Such wealth would allow them to leave the sex industry. In other cases, their earnings are

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[792] Palmer, "How Young Women in China Become Mistresses."
[793] Hong, "China's Concubine Culture Lives On in Mistress Villages."
[794] Sex Worker Interview 3, August 22, 2009.
[795] Dan Levin, "China's New Wealth Spurs a Market for Mistresses," *The New York Times*, August 9, 2011, http://www.nytimes.com/2011/08/10/world/asia/10mistress.html.
[796] Suowei Xiao, *China's New Concubines? The Contemporary Second-Wife Phenomenon*, 2009, 28.
[797] Palmer, "How Young Women in China Become Mistresses."

insufficient to lead to any significant changes in economic stature, and they might return to hostessing. This was the case for Xiao Yuan.[798] When I met her, she was working in a karaoke venue. She moved to Beijing from Heilongjiang at the age of 17. She initially came to live with her aunt and care for her niece. Her aunt worked as a hostess, and Xiao Yuan, seeing how much more she could earn in that job, asked her for help finding work at an entertainment venue. On her third day, she met a client who eventually took her on as his second wife. He put her up in a three-bedroom apartment that his work unit had given him. He allowed her to rent out the other two rooms. As a monthly stipend, he let her keep the 1,600 yuan (250 USD) she received in rent. Two years into their relationship, he let her go, and she returned to hostessing.

While this chapter focuses on mistresses and second wives, elites also participate in China's entertainment culture, which has venues catering specifically to this population. Like mistresses and second wives, these spaces are immune to regulatory interventions. I only got access to one such space. One of my police contacts introduced me to a madam who works at one of them. Zhang Xiaojie was from the countryside, and after migrating to Beijing and working there for three years, she had moved to the city in Hubei province where I met her, and where she had been living for about a decade. She had a 5-year-old autistic son, who attended a special education school in Beijing. A significant part of her income went to covering his monthly costs of 10,000 yuan (1,600 USD). We met at her home. She shared it with her older and younger sisters, both of whom she had helped find jobs in the sex industry as well. Their mother also lived with them. During our entire conversation, she sat in one corner of the living room, sewing insoles for shoes. She had a huge pile of them, which she sold on the market. When we left the apartment, my police contact specified that she did this out of habit, rather than financial necessity—an observation that their luxury apartment corroborated. Most of the women I interviewed shielded their relatives from their profession. This was the only situation I encountered in which a mother was living with her daughters, and thus reminded on a daily basis that they supported her through the sex industry.

While Zhang Xiaojie's living situation was out of the ordinary, and also involved the additional pressures of a child with a health issue living far from her, it was her workplace that set apart our encounter from most of my interactions with the Chinese sex industry. She took us to her venue after we had talked in her apartment. It was a complex with a five-star hotel in one building, and a smaller building with the English word "spa" in the title. This was a state-owned (*guoyou*--国有) complex, run by the military. Zhang Xiaojie worked at the "spa." Every other sex industry venue I observed during my fieldwork had, if not actual legal services, at least a semblance of legitimacy. The karaoke venues provided the space and technology necessary to actually sing karaoke. Even the hair salons that lacked sinks and hair care products just looked like a sparsely furnished space with some beds in the back rooms. This "spa" was different. We went there in the early afternoon, before it was open for business, and we were the only three people there. There was no way this space could pass for anything other than what it really was: a straight-up luxury brothel. Each room was decorated entirely in dark

[798] Sex Worker Interview 3, August 18, 2009.

reds and pinks. It had a small sauna in it, as well as a Jacuzzi. A round bed was positioned in the middle of the room, plush and covered in pillows. The ceiling above it was covered in mirrors. A sex swing was also attached to the ceiling and hanging over the bed.[799] Such brothels might exist on the grounds of many government complexes, as playgrounds for political elites. Unlike the dynamics between local state actors and the sex industry in the middle class, the state directly runs and provides this type of space and service to elite officials.

Agencies and Regulations Governing Elite Prostitution

What are the regulations and institutions that specifically govern elite prostitution? Chapter Three provides an overview of those rules whose main focus is prostitution, as these apply to the elite sex industry, just as low and middle tier prostitution fall under their purview. Yet other rules and institutions affect only the top tier of the sex industry. These are laws and agencies in which prostitution, rather than being the central substantive preoccupation, is instead related to larger issues: marriage, and corruption.

The Marriage Law and Controversies Around Mistresses

As noted in Chapter Three, state concerns around the second wife phenomenon have affected the content of laws regulating marriage in China. The 2001 revisions of the *Marriage Law* include prohibitions against both bigamy and cohabitation with a person of the opposite sex if married. These are both grounds for divorce, and provide the innocent party with rights to claim compensation. In addition, the revisions allow for punishment of a party who tries to conceal joint property in an effort to prevent its fair division during a divorce.[800] Such scenarios can arise frequently, given the prevalence of purchasing property and other expensive gifts for second wives.

In 2011, the Supreme People's Court issued a draft interpretation of the marriage law that included provisions specifically addressing property issues that have arisen through lawsuits around mistresses and extramarital affairs. Most of these lawsuits brought to local courts arise out of a claim a wife makes in order to recover gifts such as homes, cars, or money that a husband has provided to his mistress. Without specific guidance on how such cases should be decided, similar situations have led to a variety of different verdicts. In some circumstances, the courts have ruled in favor of the wives, and required second wives to return property. In others, they have instead split the property between the two women, in particular when the man claimed to his mistress that he was single. The draft interpretation specifically allows wives to recover property from mistresses. It forbids second wives from suing their partners for not following through on promises of money and material goods. It also does not allow men to seek assistance from the court to retrieve money and objects given to mistresses.[801] Ultimately, the

[799] Field Notes, August 9, 2009.
[800] Margaret Woo, "Shaping Citizenship: Chinese Family Law and Women," *Yale Journal of Law and Feminism* 15, no. 1 (2003): 108.
[801] Sharon Lafraniere, "Court Considers Revising China's Marriage Law," *The New York Times*, February 16, 2011, http://www.nytimes.com/2011/02/17/world/asia/17china.html.

proposed revisions to the *Marriage Law* as pertains to second wives were not included in the final amendments. In the words of Du Wan Hua, one of the judges of the Supreme People's Court:

> Cohabitation outside of marriage is a rather complex phenomenon, which in practice makes it difficult to use judicial interpretation provisions to correspond to specific situations. That said, the absence of a specific provision does not mean it is an issue we aren't addressing…As a basic principle, when trial-level courts try these types of cases, they should uphold the principles of socialist morality and custom of decency. They should safeguard the stability of marriage and family. They should protect the rights and interests of women, children, and litigants. They should solve these problems using case precedent.[802]

The public conversations that occurred around these amendments, despite them not being incorporated in the final version, illustrate the prominence of concerns around second wives. While the terms used in official written documents are "bigamy" and "cohabitation while married," officials on the NPC Standing Committee involved in creating these drafts specifically use the term "second wife" in describing the phenomenon they are working to target through legislation.[803]

Institutions Regulating Corruption

The second realm that only affects elite prostitution is the system designed to address corruption of Chinese officials. Three types of institutions are involved in combatting corruption in China. The Discipline Inspection Commission (DIC) (中国共产党中央纪律检查委员会) and the Ministry of Supervision (MOS) (中国人民共和国监察部) investigate allegations of wrongdoing against party members. They have no judicial authority, and cannot impose criminal sanctions. While the two agencies maintain separate organizational entities, they have been effectively merged since the early 1990s. In theory, the MOS deals with administrative sanctions for any individual who holds an official position within the state bureaucracy, while the DIC focuses on Party sanctions for any individual who is a member of the CCP. Since most state officials are Party members, this distinction resulted in overlap and joint investigations. In practice, the MOS now addresses institutional corruption, and the DIC focuses on individual malfeasance.[804] The third set of agencies to focus on corruption is the criminal justice system, including the Procuratorate (中国人民共和国最高人民检察院) and the Ministry of Justice (中华人民共和国司法部) which issue and handle criminal charges.

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[802] Sun Ying 孙莹, "<Hunyinfa Sifa Jieshi (San)> Gongbu Hunwai Tongju Yueding Buchang Tiaowen Quxiao <婚姻法司法解释(三)>公布 婚外同居约定补偿条文取消 [<Judicial Interpretation on Marriage Law III> Promulgation: Abolishment of the Article of Compensation Agreement on Non-Married Cohabitation]," *China National Radio 中国广播网*, August 12, 2011, http://china.cnr.cn/ygxw/201108/t20110812_508360687.shtml.

[803] Clara Li, "Marriage Law Overhaul Bans 'Second Wives,'" *South China Morning Post*, July 29, 2001, http://www.scmp.com/article/345532/marriage-law-overhaul-bans-second-wives.

[804] Andrew Wedeman, "The Intensification of Corruption in China," *The China Quarterly*, no. 180 (December 1, 2004): 900–901.

The DIC and the MOS generally hand over cases involving violations of criminal law to the formal legal system. With respect to prostitution, this could involve individuals who organize it. Indirectly, it could also apply to misuse of public funds for supporting a second wife. However, the acts of purchasing sex or having a mistress rarely constitute a specific violation of criminal laws, and thus are unlikely to lead to a formal investigation in the judicial system in and of themselves.[805]

This inability to use the legal system to prosecute many sex-related abuses of power that do not also involve misappropriation of funds has resulted in public discussions to amend the Criminal Law to include the phenomenon of "sex-related bribery and corruption" (*xing huilu*—性贿赂), which would cover the behavior of officials and Party members who either accept or solicit bribes that take the form of sexual services.[806] Not all of these situations involve second wives. Some of them involve female officials providing sexual favors to male supervisors in order to receive promotions. Others involve more traditional forms of prostitution rather than longer-term maintenance of a mistress. Yet one manner in which officials receive sexual bribes is through support and gifts provided to their mistresses. Lai Changxin, for example, a notorious Chinese smuggler involved in a wide array of corruption scandals (he escaped to Canada and was later extradited to China where he is serving a life sentence), paid the mistress expenses for a Head of Customs who facilitated Lai's smuggling ring.[807] A number of high-ranking officials have come out publicly in support of such an amendment to the criminal code, including the Deputy Procurator-General, and representatives of the NPC.[808] The issue has also generated a fair amount of debate amongst legal scholars.[809] That said, it is unlikely that this concept will become enshrined within Chinese legislation in the near future.

While the DIC and the MOS are responsible for maintaining political, economic, and administrative order within the ranks of Chinese officials and Party members, prostitution and maintaining mistresses are not directly included as offenses under the purview of these agencies. Instead, these behaviors fall under the broader categories these agencies have created of "becoming corrupt and degenerate" (*fuhua duoluo—腐化堕落*), "moral corruption" (*daode baihuai*—道德败坏), "moral decadence" (道德堕落), "life-style problems" (*shenghuo wenti*—生活问题), "lifestyle behavioral problems" (生活作风问题), and "dissolute lifestyle" (*shenghuo fuhua*—生活腐化).[810] Other behaviors that are

[805] Yan Sun, *Corruption And Market In Contemporary China* (Cornell University Press, 2004), 35. As noted in Chapter Three, prostitution is generally a violation of various administrative regulations.
[806] Elaine Jeffreys, "Debating the Legal Regulation of Sex-Related Bribery and Corruption in the People's Republic of China," in *Sex and Sexuality in China*, ed. Elaine Jeffreys (London; New York: Routledge, 2006).
[807] Ibid., 167–168.
[808] Ibid., 161.
[809] Jeffreys, "Debating the Legal Regulation of Sex-Related Bribery and Corruption in the People's Republic of China."
[810] Wedeman, "The Intensification of Corruption in China"; Sun, *Corruption And Market In Contemporary China*, 33; Alan Wong, "In Communist Party Parlance, Adultery Has Many Names," *New York Times Sinosphere Blog*, accessed May 21, 2015, http://sinosphere.blogs.nytimes.com/2014/06/09/in-communist-party-parlance-adultery-has-many-names/.

also under this rubric include rape, spreading pornography, domestic violence, sexual harassment, slander, disturbance of public order, drug use, gambling, and failure to care for parents or children.[811] In rare cases, the DIC makes much more direct reference to the personal life missteps behind decisions to sanction Party members. When the agency announced that Dai Chunning, a former executive of a state-owned insurance company, would be expelled for corruption and adultery (*tongjian*—通奸), the explicit use of the latter term generated significant amounts of online interest. This response in turn led the DIC to issue a statement that clarified that adultery, while not a violation of any laws in China, is a specific violation of the rules governing the behavior of Chinese officials.[812]

Some data is available on the frequency with which the DIC investigates such transgressions. One study found that over 150,000 Party members were disciplined annually from 1995 to 2000. Between 1986 and 2000, about 12 percent of those cases that provincial DICs reported involved degeneracy.[813] Sanctions across case categories include warnings, serious warnings, removal from Party posts, and probation or expulsion from the Party.[814] For that same 14-year time period, 25 percent of investigated Party members were expelled, 6 percent of cases were forwarded to the legal system, and 69 percent involved reprimands and sanctions.[815] Another study, looking at data from 1980 through 2002 compiled from published collections of corruption cases, found that cases in which the primary offense was tied to sexual behavior constituted 4.2 percent of cases from 1980 to 1992, and 3.2 percent from 1992 to 2002.[816] These data do not capture the extent to which prostitution-related convictions permeate corruption investigations more generally. Individuals are often convicted of several offenses, and the violation of maintaining a mistress is likely to be included alongside broader charges of economic crimes such as embezzlement or misappropriation of funds.

Examples of Corruption Investigations Involving Mistresses

Reported cases of corruption investigations against officials overwhelmingly include a prostitution-related charge. In her research on the subject, Yan Sun notes that most officials at or above the deputy provincial governor level who have been accused of graft were also found to shelter one or several mistresses.[817] The draft group that formulated the revisions that would become the 2001 *Marriage Law* collected statistics showing that 95 percent of officials disciplined for corruption had mistresses.[818] Studies conducted by the DIC and the All-China Women's Federation find a similarly high

[811] Sun, *Corruption And Market In Contemporary China*, 33.
[812] Wong, "In Communist Party Parlance, Adultery Has Many Names."
[813] Wedeman, "The Intensification of Corruption in China," 907.
[814] Ting Gong, "The Party Discipline Inspection in China: Its Evolving Trajectory and Embedded Dilemmas," *Crime, Law and Social Change* 49, no. 2 (January 17, 2008): 148, doi:10.1007/s10611-007-9097-x.
[815] Wedeman, "The Intensification of Corruption in China," 908.
[816] Sun, *Corruption And Market In Contemporary China*, 39.
[817] Ibid., 33.
[818] Ibid., 177.

prevalence of second wives amongst officials investigated for corruption.[819] In 2000, the Deputy Procurator-General noted that almost all of the ministerial-level cases they were investigating involved an element of sexual abuse of power.[820] In 2007, the Procuratorate noted that 90 percent of senior officials charged with corruption in previous years had mistresses.[821] A study examining arrests of officials for corruption in 2012 noted that 95 percent of them had extramarital affairs.[822] Other studies have found that almost all high-ranking officials who accept bribes or embezzle public funds have mistresses, receive sexual favors in exchange for various benefits, or engage in more traditional forms of prostitution.[823] The cases described below provide a snapshot of just a handful of cases that have been publicized over the past few years.

Liu Zhijun was China's Minister of Railways in 2011 when a high-speed train collision on the route from Beijing to Fuzhou resulted in 40 deaths and about 200 injuries.[824] Although Chinese media were instructed to downplay the incident, both the crash itself and subsequent botched rescue and investigation efforts quickly generated a great deal of public outrage. Ultimately, it became clear that corruption permeating the high-speed rail construction project resulted in problems with design, safety management, bidding, and testing, all of which contributed to the crash. Liu Zhijun became a target for an anti-corruption investigation, and was expelled from the Party for "severe violations of discipline," "primary leadership responsibilities for the serious corruption problem within the railway system," and "sexual misconduct."[825] Specifically, Liu was reported to have 18 mistresses.[826]

Bo Xilai, former member of the Central Politburo and Party secretary in Chongqing, was sentenced to life imprisonment in 2013 for a wide variety of corruption-related offenses. The Party began publicly investigating him in the aftermath of the scandal that started with the death of Neil Heywood, a British citizen with ties to Bo's wife, Gu Kaili. The crime eventually led Chongqing police chief Wang Lijun to share evidence with the United States consulate in Chengdu that Gu and Bo were involved in Heywood's poisoning. The list of corruption accusations included in the official announcement of Bo Xilai's ouster included the offense of "engaging in improper sexual relations with several women," and in court he testified to being unfaithful to his wife, Gu Kaili.[827]

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[819] Ibid.; Jeffreys, "Debating the Legal Regulation of Sex-Related Bribery and Corruption in the People's Republic of China," 162.
[820] Jeffreys, "Debating the Legal Regulation of Sex-Related Bribery and Corruption in the People's Republic of China," 161.
[821] Levin, "China's New Wealth Spurs a Market for Mistresses."
[822] Hong, "China's Concubine Culture Lives On in Mistress Villages."
[823] Jeffreys, "Debating the Legal Regulation of Sex-Related Bribery and Corruption in the People's Republic of China," 160.
[824] Evan Osnos, "Boss Rail," *The New Yorker*, October 22, 2012.
[825] Ibid.
[826] Levin, "China's New Wealth Spurs a Market for Mistresses."
[827] Josh Chin, "Chinese Officials Ousted Over Alleged Sexual Exploits," *The Wall Street Journal*, January 25, 2013, http://online.wsj.com/article/SB10001424127887323854904578263764051190022.html; Pinhui Zhuang, "I Was Unfaithful to Wife Gu Kailai, Bo Xilai Admits in Court," *South China Morning Post*,

In 2013, Lei Zhengfu, formerly an official in Chongqing, was fired and incarcerated for bribery for 13 years when a sex tape of him and his mistress, Zhao Hongxia, was posted online. The tape dated from 2007, and was part of an elaborate extortion racket that implicated and led to the downfall of several other Chongqing officials. The head of a construction company had hired her and several other women to seduce Lei and other officials with power to allocate land for construction, and videotape their sexual interactions. When in 2009 business relations between Lei and the company soured, the construction company boss threatened Lei with the tape. Lei sought protection from Bo Xilai, then the Chongqing Party chief, who dispatched Wang Lijun, then head of the Chongqing PSB (who later instigated Bo Xilai's downfall when he sought refuge at the US consulate in Chengdu), to investigate the matter. At the time, the mistress was detained for 30 days, and the company head was incarcerated for a year. The scandal re-emerged in 2013 with the release of the tape, which precipitated an investigation into Lei's other corrupt behaviors, and also led to the subsequent downfall of 21 other Chongqing officials.[828]

Lower-ranked officials are also targets for such investigations. In 2011, the former vice mayor of the city of Hangzhou was executed for bribery and embezzlement worth of $30 million. He was also reported to have had dozens of mistresses.[829] In 2013, Huang Sheng, a former deputy provincial governor of Shandong, was tried for accepting 12.23 million yuan in bribes (about 2 million USD), and allegedly had 46 second wives.[830] In 2012, Qi Fang, former head of the PSB in the town of Wusu, in northern Xinjiang province, was fired for keeping two mistresses, sisters, whom he had also hired to work in his agency, one as vice-captain of special operations, and the other as assistant traffic officer. Neither sister appeared to have any previous experience or training in law

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August 25, 2013, http://www.scmp.com/news/china/article/1299253/i-was-unfaithful-wife-gu-kailai-bo-xilai-admits-court.

[828] Keith Zhai, "Chongqing 21 Sentenced Over Sex Scandal," *South China Morning Post*, May 8, 2013, http://www.scmp.com/news/china/article/1232551/chongqing-21-sentenced-over-scandal; Chris Luo, "Chongqing Authority to Examine Official's Alleged Sex Romp," *South China Morning Post*, November 21, 2012, http://www.scmp.com/news/china/article/1087580/chongqing-authority-examine-officials-alleged-sex-romp; Keith Zhai, "Chongqing Cadre Lei Zhengfu, Taped Having Sex, Is Jailed 13 Years for Bribery," *South China Morning Post*, June 29, 2013, http://www.scmp.com/news/china/article/1270935/lei-zhengfu-receives-13-years-prison-bribery; Huifeng He, "Chongqing Official Wu Hong Latest to Become Embroiled in Sex Scandal," *South China Morning Post*, December 5, 2012, http://www.scmp.com/news/china/article/1097638/chongqing-official-wu-hong-latest-become-embroiled-sex-scandal; "Chongqing Sex Scandal May Implicate Wang Lijun," *China Digital Times*, November 25, 2012, http://chinadigitaltimes.net/2012/11/chongqing-sex-scandal-may-implicate-wang-lijun/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+chinadigitaltimes%2FbKzO+%28China+Digital+Times+%28CDT%29%29; Keith Bradsher, "China's Anticorruption Commission Investigates Senior Official," *The New York Times*, December 5, 2012, http://www.nytimes.com/2012/12/06/world/asia/early-target-of-chinas-anti-corruption-commission-identified.html.

[829] Levin, "China's New Wealth Spurs a Market for Mistresses."

[830] Liz Carter, "China's Latest Corruption Target Allegedly Embezzled Millions and Kept 46 Mistresses; Where's the Shock?," *Tea Leaf Nation*, April 9, 2013, http://www.tealeafnation.com/2013/04/chinas-latest-corruption-target-embezzled-millions-and-kept-46-mistresses-wheres-the-shock/.

enforcement.[831] Xu Jie, former deputy head of the State Bureau for Letters and Visits, was expelled from the Party in 2014, for graft and adultery.[832] Tao Yi, a former senior tax officer in Guangxi province, was fired in 2013 after an unofficial contract that he and his mistress had drawn up was leaked online. The contract stipulated that the parties would meet at least weekly, and would not engage in any other extramarital affairs. If either party violated that agreement or caused any "mental distress," they would be fined 10,000 yuan (1600 USD). She would not interfere with his family or work life, and he would be responsible for her living costs. Termination of the relationship would require formal written notice.[833] By the time these and other cases end up in on the dockets of the DIC or the courts, their primary substantive focus is not necessarily on the sex lives of specific individuals. Instead, it may be on issues such as the amount of money embezzled or accepted as bribes. Yet systematically, reports on these individuals list the number of mistresses they harbored.

Mistresses as Whistleblowers

In some cases, mistresses and second wives have actually served as whistleblowers who have exposed the corruption of former clients. In 2013, Yi Junqing, the head of the Compilation and Translation Bureau, was fired for "lifestyle behavioral problems" after his mistress discovered that he was in multiple extramarital relationships, and also grew frustrated with his empty promises to help her secure a job at his agency.[834] In Heilongjiang, official Sun Dejiang's infidelities were exposed by his mistress, who was also a reporter.[835] Tian Hanwen, a local official in Henan province, was expelled from the Party after his mistress posted a sex video of them. She had grown frustrated that he had never followed through on his promise to help her find a job.[836] A deputy director of the State Archives Administration, Fan Yue, was exposed by the young TV host who was his mistress when she found out that he was married.[837] Liu Zhihua, a

[831] "Pictured: The Twin 'Mistresses' at the Centre of Xinjiang Police Official Scandal," *South China Morning Post*, December 10, 2012, http://www.scmp.com/news/china/article/1102123/pictured-twin-mistresses-centre-xinjiang-police-official-scandal.
[832] "Communist Party Expels Xu Jie, Former Petitions Bureau Deputy, Over ' Bribery and Adultery,'" *Reuters*, June 27, 2014, http://www.scmp.com/news/china/article/1541599/ex-petitioning-bureau-chief-xu-jie-expelled-party-over-bribery-adultery.
[833] Tom Phillips, "Chinese Official Shamed Over Adultery 'Contract' That Fines Bad Behaviour," *The Telegraph*, November 18, 2013, http://www.telegraph.co.uk/news/worldnews/asia/china/10457027/Chinese-official-shamed-over-adultery-contract-that-fines-bad-behaviour.html?utm_source=The+Sinocism+China+Newsletter&utm_campaign=1cf0980e9e-The_Sinocism_China_Newsletter_11_19_13&utm_medium=email&utm_term=0_171f237867-1cf0980e9e-1820733.
[834] François Bougon, "Chine: Le Marxiste En Chef Tombe Pour Un Scandale Sexuel," *L'empire Weibo*, January 19, 2013, http://weibo.blog.lemonde.fr/2013/01/19/chine-le-marxiste-en-chef-tombe-pour-un-scandale-sexuel/.
[835] Oiwan Lam, "Mistresses – China's New Corruption Warriors," *Global Voices*, November 27, 2012, http://globalvoicesonline.org/2012/11/27/china-mistresses-vs-corruption/.
[836] Xinhua, "Online Sex Video Leads to Dismissal of Chinese Official," *Xinhua*, August 6, 2011, http://www.wantchinatimes.com/news-subclass-cnt.aspx?id=20110806000032&cid=1303.
[837] Lijia Zhang, "China's Corrupt Officials Have More to Fear from Jilted Lover than Crackdown," *South China Morning Post*, August 16, 2013, http://www.scmp.com/comment/insight-

former vice mayor of Beijing, was turned in by his mistress.[838] Li Zhen, a former Party secretary and chief of the tax bureau of Hebei province who was executed for graft in 2003, was hiding from the authorities until his mistress told them where to find him.[839] Liu Tienan, a former deputy director of the National Reform and Development Commission, China's main economic-planning institution, lost his job following an investigation that his mistress instigated by contacting a journalist for the independent magazine *Caijing*.[840] An anti-corruption official in Dongguan noted that in over 80 percent of corruption cases they investigate, mistresses played an important role in exposing the case.[841] The phenomenon is prevalent enough that it even has a specific name, "mistress-driven anti-corruption" (*ernai fanfu*—二奶反腐), and has graced the editorial pages of CCP's mouthpiece newspaper, the *People's Daily*. The article warns against reliance on such sources in combatting corruption, given the less-than noble motivations often underlying such whistleblowers' decisions to report their clients' misdeeds, and the fact that they too can be involved in the corruption they are denouncing.[842]

The Risks of Being a Second Wife

By and large, mistresses are immune to these investigations. That said, there are exceptions to this general pattern, particularly when they are also involved in various corrupt activities, rather than simply being passive recipients of its fruits. In the late 1990s, Cheng Kejie, who was deputy chairman of the Standing Committee of the NPC, and his mistress, Li Ping, were investigated for corruption activities that involved accepting over three million USD in bribes. Cheng was sentenced to death and executed in 2000, and Li Ping was sentenced to life imprisonment.[843] In January 2011, the mistress of an official in Guangdong Province who himself was sentenced to death for bribery scandals involving 4.5 million USD was imprisoned for property and gifts he had given her.[844] Importantly, none of these convictions against mistresses involved their engagement in prostitution: as noted in the introduction of this chapter, state interventions

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opinion/article/1296922/chinas-corrupt-officials-have-more-fear-jilted-lover; Jia Lynn Yang, "Jilted Mistresses Expose Chinese Officials' Corruption," *The Washington Post*, July 25, 2013, http://www.washingtonpost.com/world/ji-yingnan-and-other-jilted-mistresses-expose-chinese-officials-corruption/2013/07/25/8d8d35f6-eb02-11e2-aa9f-c03a72e2d342_story.html.

[838] John Osburg, "China's New Laws of Attraction," *Foreign Affairs*, June 12, 2014, http://www.foreignaffairs.com/articles/141562/john-osburg/tough-love.

[839] Ibid.

[840] Josh Chin, "Mistress-Driven Anticorruption: Study Says 15% of Accusers Are Lovers," *WSJ.com*, October 17, 2013, http://blogs.wsj.com/chinarealtime/2013/10/17/mistress-driven-anticorruption-study-says-15-of-accusers-are-lovers/.

[841] Sky Canaves, "Mistresses Enlisted in the Fight Against Corruption," *WSJ Blogs - China Real Time Report*, June 26, 2008, http://blogs.wsj.com/chinarealtime/2008/06/26/mistresses-enlisted-in-the-fight-against-corruption/.

[842] Chin, "Mistress-Driven Anticorruption"; Megha Rajagopalan and Yan Huang, "China's Spurned Mistresses Can't Be Relied on to Bust Graft," *Reuters*, May 29, 2013, http://www.reuters.com/article/2013/05/29/us-china-corruption-idUSBRE94R0WO20130529.

[843] Sun, *Corruption And Market In Contemporary China*, 63.

[844] Levin, "China's New Wealth Spurs a Market for Mistresses."

into this tier of the sex industry, as is also the case as pertains to streetwalkers and hostesses, are not primarily driven by a desire to properly enforce prostitution regulations.

Being a second wife can also be risky for other reasons. Some detective agencies specialize in investigating whether a client's husband harbors a second wife.[845] An official in Hubei province was arrested in the death of his mistress. She was pregnant with twins, and he strangled her to death after she demanded either marriage, or a payment of $300,000.[846] In 2007, a bureaucrat in the city of Jinan rigged his second wife's car with a bomb. An official in Beijing had his mistress murdered and chopped into pieces when she threatened to report him for corruption.[847]

Despite rarely receiving any official punishments for the relationships they have with elite men, second wives are not immune from being blamed for the downfall of their clients. In the courtroom, investigated officials regularly defend their actions by portraying themselves as weak men driven to corruption in order to try to satisfy their insatiable mistresses. Li Zhen, the former Hebei official whose mistress helped the authorities find him, noted that "As soon as [women] become your plaything you become their slave."[848] He further declared that "in this world, only the kiss of a woman will send you to your doom," a warning he sought to "tell all the men of the world."[849] A former official in the transportation bureau in Chongqing defended his involvement in corruption as follows: "I knelt down before [my mistress] in my office, but she still wouldn't let me go. I was just too weak. She wanted to bleed me dry."[850] Public opinion is also quick to judge these women as predatory schemers responsible for moral decline in contemporary China.[851] Through their poverty and the hardships they experience on a daily basis in their work environment, streetwalkers and hostesses garner some sympathy and understanding in the eyes of society. Second wives, paid to live in comfortable homes, spend money on luxury items, and travel to exotic places with their clients, are more often seen as power-hungry opportunists.

Conclusion

The state does not particularly care about second wives. They do not present a threat to law and order. They do not pose a significant public health threat. Yet the CCP does care about corruption, an issue that many within China fear might present a real threat to the stability of the Party. Given how prevalent the practice of keeping a second wife is amongst Chinese government elites, these women often play a key role in the downfall of their clients. Sometimes, they instigate investigations. Other times, they are asked to provide specific information about their clients' corrupt actions. Even if they play no direct role in investigations, their mere existence is enough to help orchestrate

[845] Jeffreys, "Debating the Legal Regulation of Sex-Related Bribery and Corruption in the People's Republic of China," 162.
[846] Levin, "China's New Wealth Spurs a Market for Mistresses."
[847] Palmer, "How Young Women in China Become Mistresses."
[848] Osburg, "China's New Laws of Attraction."
[849] Ibid.
[850] Ibid.
[851] Palmer, "How Young Women in China Become Mistresses."

expulsion of a Party member, as officials who keep mistresses are violating Party rules. Male politicians and powerful elites everywhere find themselves embroiled in sex scandals. Yet the systematic use of public funds to support second wives, necessary in a country where the actual salaries of most public officials would make it impossible to support two households, link a Chinese bureaucrat's personal sex life with his public duties. In addition, as with the sex industry in the country more generally, where China's situation differs from other countries that forbid prostitution is with respect to its overall acceptance, the public nature of the practice, and its prevalence.

Chapter Eight: Conclusion

Both China and prostitution became a part of my life simultaneously, starting in late August of 2001. Immersion in the former had been planned. Exposure to the latter had not. I had just graduated from college and had moved to the city of Ningbo, an Eastern coastal town near Shanghai, for a two-year program of teaching English in a primary school, learning Chinese, and immersing myself in the community. Like many participants, I had applied to the program with no previous China experience. I had wanted to live in a place that would feel far removed from my undergraduate studies in Western intellectual history and civilization. I was also interested in human rights, and thought it would be interesting to learn more about a country notorious for its human rights abuses. I lived in an apartment on the school campus, with a roommate who was in her second year of the program. Early on, she pointed out to me that the hair salons and massage parlors on both sides of the school's main entrance, down the entire street, were in fact brothels. Following her remark, I began paying more attention to these spaces. There were red lights in the venues. They seemed closed for business until early afternoon. The women who worked there would lounge on couches right behind the glass doors, or stand outside, wearing revealing clothing. I never saw female customers entering or exiting the spaces, nor did I ever see anyone actually getting a haircut within them. I was indeed living and teaching English at a primary school located in a red light district. Mine was not a low-income, inner-city school. This was an elite institution whose graduates would go on to attend prestigious high schools and colleges both in China and abroad. Every morning on their way to and from school, hundreds of children between the ages of six and 16 would walk, scuttle or run past brothels, sex workers, clients, and pimps. The disconnect was jarring. Given differences in urban geography and the enforcement of zoning restrictions between China and the Western countries in which I had grown up, I spent two years with daily exposure to a subset of the population that I knew existed, but had rarely seen, prior to moving to Ningbo.

When I started graduate school in 2004, I did not intend to study prostitution. Yet when a professor whose course I was taking suggested the topic, I thought back to the world of the sex industry right outside my door in China, and plunged in. I carried out some preliminary research in 2005, spent the bulk of 2008 and 2009 in the field, and also did some follow-up field work in 2012 and 2014. On the surface, I have observed some changes around prostitution in China over the past 15 years. For example, when I returned to Ningbo in 2009 to visit friends and colleagues, brothels no longer surrounded the school. They had all been demolished, and replaced with towering residential apartment buildings. That visual change was striking, but unsurprising. The urban environment in China is constantly undergoing rapid and dramatic changes.[852] Red light districts often vanish, only to reappear a few blocks further away. Changes pertaining to the overall political environment have also affected the sex industry. In 2007, a protest occurred in Shenzhen where over 2000 sex workers and other entertainment venue employees clamored for their rights to subsist/live (*shengcun*—生存), eat, and work,

[852] I once flew out of the Ningbo airport for a month-long trip, and when I returned and walked into the main terminal, I thought I had landed in the wrong city: in the space of a few weeks, the airport had been completely rebuilt in a nearby field.

following a crackdown on their red light district that had left them unemployed.[853] Three years later, the rights activist Ye Haiyan organized a protest in Wuhan in favor of legalizing prostitution.[854] Neither of these events escaped the attention of local authorities, who quickly clamped down. Yet at the time, their occurrence suggested greater civil society activity around questions of sex worker rights. Since then, overall tighter restrictions on grassroots organizations have left the current landscape much bleaker. The organization that facilitated my research in Beijing is now defunct. In the past few years, the authorities would constantly harass its key personnel, who eventually succumbed to the pressure and turned their attention to other projects and issue areas.

Such changes are interesting to observe. Yet by and large, they do not affect the Chinese state's tier-based regulatory enforcement patterns of prostitution policies discussed in these pages. The Communist Party's priorities are economic growth and social stability. These take precedence over policing and health policies that aim to reduce the incidence of prostitution and HIV/AIDS. A comprehensive policy to reduce the prevalence of prostitution would focus on sex workers and clients in the middle tier, where the bulk of the sex industry is concentrated. Instead, as discussed in Chapter Five, clients are rarely targeted for arrest, with the exception of the elite men who are the subject of Chapter Seven, and whose arrests are driven by reasons only peripherally related to the purchase of sex. As shown in Chapters Five and Six, law enforcement focuses on punishing low-tier sex workers, and accommodating middle-tier prostitution. A rigorous health program designed to most effectively address the spread of HIV/AIDS would include actively targeting low-tier sex workers, whose health needs, as discussed in Chapter Four, are greater than those of their middle-tier colleagues. It would also target clients and would involve comprehensive outreach. Instead, Chapter Five underscores the scarcity of outreach within the lower tier, and Chapter Six highlights the weaknesses of the numerically-driven interventions that shape the middle tier. Chapter Three shows the absence of outreach designed to target clients.

Targeting low-tier sex workers for arrest allows the police to provide evidence that they are enforcing anti-prostitution regulations. Accommodating middle-tier entertainment venues is a strategy that enables law enforcement to protect the economic benefits of prostitution, while minimizing the threats that prostitution poses for crime control. When conducting corruption investigations against government officials and businessmen, prostitution becomes a tool that authorities use as an easy entrée into the often dissolute lives of China's elite. When health officials depend upon the police to access low-tier sex workers, and focus much of their attention on hostesses in those entertainment venues to which they can gain access, they recognize the obstacles they are up against, and navigate within those boundaries to approximate their public health

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[853] Zheng Hailong 鄭海龍, "2,000 Employees of the Entertainment Industry in Shenzhen Make Petitions to the Government 深 2 千娛樂業員工請願," *Wenweipo 文匯報*, January 20, 2006, http://paper.wenweipo.com/2006/01/20/CH0601200002.htm.

[854] Tania Branigan, "Chinese Sex Workers Protest against Crackdown," *The Guardian*, August 3, 2010, http://www.theguardian.com/world/2010/aug/03/china-prostitution-sex-workers-protest; Huifeng He, "Legalise Sex Trade, Says Prostitutes' Rights Activist," *South China Morning Post*, August 21, 2010, http://www.scmp.com/article/722696/legalise-sex-trade-says-prostitutes-rights-activist.

mandates. These patterns allow the police and health officials to pay lip service to the regulations that they are responsible for enforcing. They simultaneously support a thriving sex industry, and present alarming public health consequences.

How do the patterns I describe here speak to prostitution in other countries? One important issue to keep in mind when comparing many issues in China to their equivalents elsewhere is the sheer size of the country and its population. With as many as 20 million women selling sex in China, this observation is very much relevant to comparing the country's sex industry with its counterparts in other places. One important way in which prostitution stands out in China is tied to its economic importance. In isolated places, the same can be said of the sex industry elsewhere. In Las Vegas and surrounding counties, for example, much of the local economy rests on the sex industry. While entertainment venues are not integral to business culture in the West, they do play a role in other Asian countries. Yet by and large, prostitution in China is exceptional with respect to how important it is to the local economy throughout the country.

Where I observe the greatest cross-country parallels in the regulation of the sex industry is tied to policing of low- and middle-tier prostitution. As I discuss in both Chapters One and Six, the focus on cleaning the streets of visible prostitution, and accommodating prostitution that occurs behind closed doors, appears to be a policing pattern that transcends differences between political systems.[855] In contrast, China's authoritarian regime shapes the public health challenges described throughout these pages in ways that do not affect sex workers in a democracy to the same extent. This observation is particularly relevant to the forced interventions of Chinese health officials towards sex workers. It also applies to the overall problem that China's civil society, by virtue of the fact that it exists under an authoritarian government and does not have the independence necessary to rigorously carry out any of the functions to which it is better suited than a state agency when it comes to sex worker outreach. Authoritarian regimes have advantages when it comes to addressing some public health emergencies, given their ability to quickly mobilize resources, restrict movement and command compliance, as they did during the SARS crisis in 2003. Yet these strengths do not translate to an issue such as HIV/AIDS, where stopping the spread of the disease requires more long-term strategies.

Returning to China, the current status of the regulation of its sex industry raises a number of important policy considerations and implications. These include concerns about public health and human trafficking, as well as questions around the legalization of prostitution, and women's rights.

The public health implication featured most prominently throughout these chapters is the spread of HIV/AIDS. As noted in Chapter Three, China is considered a low-prevalence country. Even if official rates of HIV/AIDS are underestimations, it is unlikely that China's actual prevalence rate places it alongside those countries that the virus has ravaged. The government may consider, given the other priorities it must

[855] Elizabeth Bernstein, *Temporarily Yours: Intimacy, Authenticity, and the Commerce of Sex* (Chicago: University of Chicago Press, 2007), 164.

balance, that it is doing a good enough job at containing the disease. Yet in a country whose population exceeds 1.3 billion, low prevalence is compatible with millions of individuals testing positive for HIV. The Chinese government may not consider this problematic, especially if the majority of those infected are marginalized individuals rather than upstanding members of society. However, from a humanitarian perspective, such an approach to the issue is unacceptable. In addition, HIV/AIDS is not the only public health problem that arises as a consequence of the manner in which China's prostitution policies are enforced. Other STDs, such as syphilis, affect many more sex workers and clients. Hostesses are often forced to drink excessive amounts of alcohol when entertaining clients, are exposed to second-hand smoke every day in the workplace, and are often smokers themselves. Mental health issues also appear rife within these communities. The women I interviewed frequently expressed feelings of anxiety, hopelessness, and isolation in talking about their lives and work. Repeatedly, my informants would thank me for listening to them discuss their problems. From the dynamics I observed in the sex worker outreach center in Beijing, I often felt like the service that could most immediately improve their daily lives would be more such spaces where they could relax, regroup, talk about their experiences, and simply feel supported. Such infrastructure is sorely lacking, and significant barriers exist to its creation.

While I have explored public health at length in these pages, I have focused much less on human trafficking. This issue, particularly with respect to sex trafficking and child trafficking, is garnering increased attention in China. That said, trafficking conversations often occur in parallel to those around prostitution, rather than in conjunction with them. More specifically, some individuals are easily considered victims of sex trafficking. This observation applies to young girls engaged in prostitution who look like children, and adults deprived of their freedom and physically coerced into selling sex. Yet the women whom clients interact with, across all classes of prostitution, often do not project such appearances of victimhood. They may be able to come and go as they please. They may appear hardened and independent. That said, forced prostitution could have been in their past. They could currently be enslaved, yet appear free. By and large, neither the police nor public health professionals in China are trained to identify human trafficking victims. In the low tiers of the sex industry, the current focus on arresting women instills fear of law enforcement in sex workers, making it justifiably unlikely that they would feel that they could get help from the police. In the middle tier, police accommodation might open up greater possibilities for identifying victims. Yet on both of these prostitution rungs, the women might not even be aware that they could qualify as victims of sex trafficking, and China's domestic trafficking legislation is not comprehensive or clear enough to instill a priori confidence in the likelihood that many cases would be legally considered to constitute trafficking. By failing to more clearly acknowledge how China's current regulatory regime around prostitution contributes to the country's trafficking problem, victims fall through the cracks, creating threats to both human rights and security.

One of the main normative questions that comes up in discussions around some of the key problems that arise given China's current regulatory patterns around prostitution is whether legalization or decriminalization would help address them. In the short term,

it is difficult to imagine that China would carry out such legislative changes. Setting that reality aside, such policies could be beneficial. In theory, a properly implemented legalization or decriminalization regime would play an important role in addressing the public health issues that plague China health agency efforts to access those sex workers most at risk. It would also improve police ability to address and respond to crimes that often accompany prostitution. Legalization would also facilitate economic regulation of the sex industry. Such policy reforms could be implemented very successfully in wealthy, well-ordered states with high capacity and low levels of corruption. However, China does not currently fall into that category. It would be extremely challenging for the state to properly, transparently, and comprehensively collect taxes on sex workers and brothels. Health agencies are not currently equipped to establish and provide the full range of services needed in a legalized prostitution regime. One logistical challenge pertains to the sheer scale of a project that would require setting up health centers in regulated red light districts throughout the country, ensuring that all sex workers were being tested for STDs on a regular basis, and monitoring condom use amongst all clients. An even more complex issue involves changing the underlying mindset around how to provide these health services. The current system, very much the product of an authoritarian regime, is focused on the mandatory nature of testing. In a legalized regime, a successful approach to health outreach would instead need to transition to a more collaborative, equal relationship than currently exists between health agents and actors in the sex industry. The entire policing apparatus in China would have to be rebuilt such that local agencies and individual law enforcement officers were immune to any pressures and temptations that lead them to engage with the sex industry in any way other than to protect them. Decriminalization would also require important changes to health infrastructure in order to properly attend to the health needs of sex workers. While it would not necessitate economic regulatory changes, a sex industry unhampered by laws specifically outlawing the buying and selling of sex would continue to be a source of financial enrichment for a host of local level actors, possibly even increasing the overall size of the sex industry, and in the process could result in increased abuse of and enrichment off the labor of sex workers.

In highlighting the practical problems of legalization and decriminalization in contemporary China, I am not suggesting that the current regime is the better alternative. Instead, I do not think that the appropriate question to ask at this point is what prostitution regulatory regime the country should adopt. That inquiry misses a much more important first-order issue: wresting with what the status and perception of sex workers in China today says about the issue of women's rights more generally in the country. As many as 20 million women may currently be selling sex in the country. Yet the attention and support their plight receives is inversely proportional to the size of this marginalized population. The state thinks of them as disease transmitters, revenue generators, and magnets of criminal activity. Society, by and large, looks down on them as corrupters of morals. Both the state and society do a poor job of thinking of them as symptomatic of larger societal issues around the status of and opportunities for women in contemporary China. Even civil society disproportionately ignores them. Many more domestic NGOs work with male sex workers who cater to male clients, than female ones, despite the fact that the former constitute a much smaller proportion of the sex work

community.[856] That female sex workers would be more marginalized than their male counterparts, who have the additional strike of homosexuality against them, illustrates the extent to which they are overlooked.

I connect this to the larger issue of women's rights because there exists a great deal of denial within China's state and society about problems of gender equality. The All-China Women's Federation (ACWF), the main state organization devoted to advancing women's rights, is remarkably conservative. It does not consider prostitution to be an issue on which it should focus, preferring instead to devote itself to the "good" women of China. Beyond the issue of sex work, the ACWF is behind a state-sponsored media campaign that stigmatizes unmarried, educated urban women over the age of 27, pressuring them to get married before it is too late for them to find a husband, rather than pursue higher education.[857] The problem extends far beyond state organizations. I spent one summer working with one of China's leading women's rights NGOs. When I complained to my colleagues about a sexual harassment incident I had experienced on my way to the office one morning, they blamed me for it, explaining that I should not have been wearing a tank top. Societal acceptance of extramarital affairs for husbands is similarly illustrative of a deeply-rooted gender double standard in the country. Wives do not embrace such behavior. Instead, women are simply resigned to a reality wherein men cheat on their wives. This feeling of hopelessness is deeply problematic as an indicator of the position of women in the country. The disconnect is huge between the general rhetoric of women's advancement in contemporary China, and the recent arrest of five women's rights activists. They were planning a protest against sexual harassment on public transportation, scheduled to coincide with International Women's Day. The women were detained for over a month, and continue to face great amounts of government pressure.[858]

I am not alone in thinking that the larger immediate issue here is one of the overall status of Chinese women. I noted earlier that the state had successfully shut down the Beijing sex worker outreach center that supported much of my research in that city. Yet they failed to quash the spirit that led to the creation of that organization. One of the recently arrested women's rights activists was the day-to-day force behind it. Once the center closed, she moved forward undeterred. She adopted a broader mandate to raise awareness of gender inequality more generally, and currently organizes and participates in a wide variety of different events and campaigns. It is only through larger systematic

[856] The community of male sex workers is more organized than that of female sex workers. It is closely connected to civil society activism around the male gay community. It has also benefited from more funding and attention from international donors than female sex workers, as transmission of HIV/AIDS through men-who-have-sex-with-men is considered a greater concern than heterosexual transmission.

[857] Leta Hong Fincher, "China's Entrenched Gender Gap," *The New York Times*, May 20, 2013, sec. Opinion / Global Opinion, http://www.nytimes.com/2013/05/21/opinion/global/chinas-entrenched-gender-gap.html; Leta Hong Fincher, *Leftover Women : The Resurgence of Gender Inequality in China* (London, UK: Zed Books, 2014).

[858] Edward Wong, "China Releases 5 Women's Rights Activists Detained for Weeks," *The New York Times*, April 13, 2015, http://www.nytimes.com/2015/04/14/world/asia/china-releases-3-of-5-detained-womens-rights-activists.html.

changes with respect to the overall status of women in China today, which individuals such as these activists are calling for, that the conditions of sex workers in the country might improve in meaningful ways.

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