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***“Of course they claim they were coerced”: On voluntary prostitution, contingent consent, and the modified whore stigma***

By Yenwen Peng<sup>1</sup>

**Abstract<sup>2</sup>**

This paper starts with a reflection on the main tactic adopted during the Taipei prostitutes' movement, namely, the “poverty as force” rationale, and argues that a campaign strategy that focuses on the justification of prostitutes' consent to their job does not help them much; instead, it reinforces the stigma on “voluntary” prostitutes. I suggest that sex workers' activism abandons the now dominant “voluntary vs. forced” division of prostitution and, emphasizes the working conditions of sex workers rather than the reasons that underlie those workers' consent. This suggestion by no means implies that we neglect the critical moral value of consent. Rather, in light of the vague, contingent, and relative nature of consent, I argue that a focus on the practical working condition of sex workers is a more realistic and feasible strategy to prevent sex workers from being victimized. Finally, the examination of the workers' consent, while necessary, should be placed on a macro level, and to encourage the realization that prostitution and more readily accepted social institutions are equally a repetition of certain hegemonies. It is only through this approach that sex work and sex workers can gradually be de-specialized and de-stigmatized.

*Keywords:* prostitution, consent, whore stigma, sex workers' activism

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## Introduction

On the morning of September 1<sup>st</sup> 1997, almost one hundred licensed prostitutes showed up at the Taipei City Council. They came to protest against the then Taipei City mayor Chen Shui-Bian, who ordered shut down all licensed brothels that had existed for four decades. Broadcast through overwhelming media coverage, their public appearance was literally a shocking scene to the general public in Taiwan. Although the prostitutes' movement only succeeded in obtaining a two-year grace period,<sup>3</sup> it triggered deep reflection among feminist activists and intellectuals, and the first sex workers' activist group, COSWAS (Collective Of Sex Workers And Supporters), was established in Taipei in 1999 as a legacy of the movement, with the main agenda to decriminalize and de-stigmatize prostitution.

This paper begins with a reflection on the main tactic adopted during the licensed prostitutes' movement, namely, the "poverty as force" rationale. After extensive interviews with related policy actors, including local and migrant prostitutes, clients, pimps, the police, city councilors, women's activists, and community residents in person or online,<sup>4</sup> I found that the licensed prostitutes' movement, while perhaps generating a more widespread and profound recognition of the licensed prostitutes' hardships, crystallized a subtler form of whore stigma on "voluntary" prostitutes. Moreover, the definition of voluntary prostitutes is so arbitrary that it can include any prostitute who is not violently coerced by another person or oppressed by extreme poverty. In other words, most prostitutes, if not all, still suffer from whore stigma, which is now a more rigorously modified concept with which to rebut any claim that prostitutes might use in justifying their decision to sell sex.

Therefore, following Jo Doezema (1998), I suggest that sex workers' activism abandons the now dominant "voluntary vs. forced" division of prostitution and, emphasizes the working conditions of sex workers *rather than* the reasons that underlie those workers' consent. This suggestion by no means implies that we neglect the critical moral value of consent. Rather, in light of the vague, contingent, and relative nature of consent, as will be shown in this paper, I argue that a focus on the practical

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<sup>3</sup> The licensed brothels were first shut down under the order of Mayor Chen in September 1997, but were reopened in March 1999 under the order of the new mayor, Ma Ying-Joe for a two-year grace period. The brothels were permanently closed in 2001. After the abolition of the licensing system, prostitution is completely illegal in Taiwan, though only the prostitutes and pimps, not the clients, are subject to be arrested.

<sup>4</sup> Most of my respondents were interviewed in person during three two-month long fieldtrips in the summer of 2001, the winter of 2002 and the summer of 2003 in Taiwan. Only some clients and a pimp were interviewed through the Internet chat room in late 2003. I also continue interviewing Chinese migrant prostitutes in late 2004 after I received my doctoral degree and moved back to Taiwan.

working condition of sex workers is a more realistic and feasible strategy to prevent sex workers from being victimized. Indeed, this approach will not only cover the "typical" trafficked victims, defined as who "never consented" and "under ongoing exploitation... to generate illicit profits for the traffickers,"<sup>5</sup> but also those who might have "consented" to travel at the initial stage, but then changed their mind due to unbearable or indisposed working conditions.

Note, moreover, that 'consent' is seldom an issue that concerns other occupations (e.g., we seldom question why a woman consents to being a supermarket clerk). So long as we treat sex work as a form of labor, the criticism against prostitution should apply the same standards as those used against other gendered institutions like politics, the beauty industry, marriage, and so on. It is only through this approach that sex work and sex workers can gradually be de-specialized and de-stigmatized.

Abandonment of the voluntary-forced dichotomy does not mean that we neglect the different forces that underlie a prostitute's choice and consent. On the contrary, I agree with radical feminists' criticism of a liberal contractual perspective of consent wherein "only extreme, literal, and easily validated forms of 'coercion' or violence will qualify as an abrogation of the sexual will that must be 'interfered against'" (Haag, 1999:181). An affirmation of prostitution as work, therefore, does not preclude feminists from criticizing the sexist, classist, racist and other dominant practices embodied by this institution.

In the following, I start with a brief review of prostitutes' activism in Taiwan and the campaign strategy that COSWAS has adopted in recent years. Then I explore how the discourse about whore stigma has been modified in reaction to the licensed prostitutes' appeals, for example, to condemn *only* voluntary prostitutes. I further show that it is increasingly difficult to draw a line between voluntary and forced prostitutes—especially in the case of migrant prostitutes; hence, the definition of voluntary prostitutes could be expanded to such an extent that most prostitutes would be included, therein, and thus subject to discrimination. In conclusion, I suggest that on one hand, we focus on the "prostitution as sex work" strategy and the de-stigmatization of all sex workers; on the other hand, we continue to critically examine the underlying forces that confine all people's consent on a macro level. Such an examination should be used not to single out prostitution as problematic but to encourage the realization that prostitution and more readily accepted social institutions are *equally* a repetition of

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5 Quoted from the paragraph "How is 'trafficking in persons' different from the smuggling of migrants" at the FAQ section on the webpage of the United Nations Office on Drugs and Crime. Retrieved at [http://www.unodc.org/unodc/en/trafficking\\_victim\\_consent.html](http://www.unodc.org/unodc/en/trafficking_victim_consent.html) on October 8, 2005.

certain hegemonies.

### **The problem with the voluntary-forced prostitution dichotomy**

In her groundbreaking essay “Forced to choose: beyond the voluntary v. forced prostitution dichotomy” (1998), Doezema shows that since the mid-1980s, the dominant abolitionist ideology against prostitution has been replaced by a new discourse that distinguishes voluntary from forced prostitution, and contends that only the latter should be abolished. Superficially, this shift seems to symbolize a respect for prostitutes’ right to self-determination. Yet Doezema warns of the danger of promoting such a distinction in that it reproduces the Whore-Madonna division among prostitutes:

The Madonna is the “forced prostitute”—the child, the victim of trafficking; she who, by virtue of her victim status, is exonerated from sexual wrong-doing. The “whore” is the voluntary prostitute: because of her transgression, she deserves whatever she gets (1998:47).

Doezema points out that not only the majority of international agreements, but also most organizations that *claim* to support each prostitute’s right to self-determination, place much more emphasis on stopping forced prostitution than on sex workers’ rights. An extreme case of this bias is reflected in a 1995 Human Rights Watch report on arrested prostitutes in India who were sent to “protective homes” where “inmates complained of grave mistreatment, including branding with hot irons, rapes, and sexual assaults.” What the Human Rights Watch suggested was that “victims of trafficking” should be treated differently from “prostitutes.” In other words, as Doezema notes, “sex workers are disqualified from human rights considerations if their status is ‘voluntary’” (ibid. 46).

In their effort to gain sympathy for (or to victimize) the prostitutes, NGOs tend to emphasize the “forced” or “innocent” aspects of prostitution. As such, poverty is often utilized as the rationale with which to prove, first, that certain prostitutes are forced into this line of work and, second, that they are “eligible” for human rights protection. Implied in such a strategy, however, is the notion that “no normal women would choose the work unless ‘forced’ by poverty” (ibid. 44). Surely, most women who choose to enter prostitution are there to make money. Yet it is also the reason why people choose to work as a migrant domestic helper, garbage collector, or other forms of unpleasant, if not discriminated, jobs. The fact that only the prostitute needs to emphasize this poverty rationale reflects, and reinforces, the deep-rooted stigma and discrimination against all

sex workers.

This "poverty as force" strategy might reflect a Marxist feminist concern that condemns capitalism and the unequal global economic division that produces prostitutes. But when the strategy is deliberately applied to prostitution instead of to the general population of laborers, unintended side effects devour this critical stance. One problem is what Doezema refers to as the racist and the classist implication wherein Western prostitutes possess agency whereas Third World prostitutes are helpless victims. Another problem is the reinforced stigma against prostitutes who are *not forced*. But what I found most crucial is that the "poverty as force" rationale simply fails to de-stigmatize forced prostitutes in the first place. A discussion on the licensed prostitutes' movement in Taiwan and different people's reactions to it shall help to illustrate my argument.

### **The poverty strategy adopted in the licensed prostitutes' movement**

The "poverty as force" strategy adopted by the licensed prostitutes' campaign is understandable in the sense that most license prostitutes *were* truly poor. Usually only women with very limited resources would register as licensed prostitutes and accept state regulation. They worked in designated (and usually decayed) licensed brothels, charging only US\$25-35 per 15-minute session, and their clients were mostly blue-collar laborers or old men. At their first public appearance on September 1, 1997, the licensed prostitutes were quite aware of the stigma attached to them. They therefore did not challenge the decision of abolition *per se*, but humbly argued that it had been made "too soon" "too rapidly." The discourses that they used were thus intended to attract sympathy, such as the following passage exemplifies:

Even when treating us as garbage, the government should notify us earlier before it decides to dump us.... We don't want the government's subsidies. We only plead for one or two years' grace period; in this way, we could plan for our future by ourselves.<sup>6</sup>

The humble protest turned out to be a critical landmark for the neglected licensed prostitutes, as many women's and labor activists saw it on the TV, and then decided to get involved. With the help of these experienced activists, in literally a few days, progressive discourses were developed and published on many mainstream newspapers to

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<sup>6</sup> *United Daily Evening News*, Section 1, 09/01/97.

endorse the licensed prostitutes' appeal. They criticized procedural injustice in the decision making process, the double (class and sexual) discrimination against licensed prostitutes, and for the first time in public forum, redefined prostitutes as sex workers and selling sex as a form of labor.

But the main theme during the 1.5-year campaign<sup>7</sup> did not escape the licensed prostitutes' identification of themselves as "unfortunate" women. For example, Li-Jun, a senior licensed prostitute and the vice-president of the Taipei Licensed Prostitutes Self-help Organization,<sup>8</sup> spoke at the 1998 World Action Forum for Sex Work Rights<sup>9</sup>:

Many people laugh at us. They say we have no dignity. But I want to say that women at our age who work as licensed prostitutes are either widowed or divorced, have parents to take care of, or have two or three children to rear. The children are usually still in primary school or high school. Please put yourselves in our shoes: are women at our age with such a responsibility not under hardship? Please show understanding for us.... As a friend told me, "If you can barely survive, how can you possibly care about saving face?" *So you have no choice.* You just go for it. (COSWAS, 2000b:105, emphasis added).

This "poverty as force" rationale was unfolded most intensely with the publication of *Ri Ri Chun—The Life Stories of Nine Licensed Prostitutes*, the first book published by COSWAS, in 2000. The book collects the narratives of nine licensed prostitutes, all of whom experienced miserable childhoods or marriages and confronted the pressures of extreme family burdens—the responsibility to raise siblings, parents, or children—before they decided to prostitute themselves. Some of them were child prostitutes and had endured terrible suffering and stigma when they first entered prostitution, but, as one such woman stated, "I told myself that all the sacrifice was

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<sup>7</sup> Despite intense opposition, Mayor Chen insisted that all licensed brothels be shut down, as scheduled, on September 6, 1997. Chen's dominant, non-negotiable attitude provoked even deeper criticism and opposition. Wang Fang-Ping and the Solidarity of Women Workers organized some 40 willing-to-fight licensed prostitutes—all from the Da-ton area—and began their 1.5-year-long protest against Mayor Chen. This deadlock was not broken until Chen stepped down from his position in December 1998, when he was defeated by the opposition party candidate Ma Ying-Joe. Mayor Ma ordered the re-opening of the licensed brothels on March 28, 1999, for a grace period of two years.

<sup>8</sup> After the shut-down of licensed brothels, the prostitutes and their supporters formed Taipei Licensed Prostitutes Self-help Organization to continue the campaign. After its success in obtaining the grace period in March 1999, the organization was again renamed, this time as COSWAS (Collective of Sex Workers and Supporters).

<sup>9</sup> The 1998 World Action Forum for Sex Work Rights was held on May 24-26, 1998, in Taipei, Taiwan. This was the first time that sex workers and activists from various countries gathered in Taiwan to discuss and advocate sex workers' rights and a decriminalization policy.

worthwhile for the welfare of the whole family." (COSWAS, 2000a:57).

I certainly believe that most licensed prostitutes have encountered heavy economic hardships. But in their repetitive *emphasis* of the fact that they did the job because they had no financial choice, the prostitutes relatively undermine their other critical claim that *sex work should be viewed just like other work*. That is, the poverty-driven discourse will not challenge but reinforce the moral stigma attached to "sex work." Moreover, it leaves no legitimacy for those who are *not* driven by extreme economic burden—indeed, in my interview with some hotel prostitutes, I did find that they look down upon young girls who sell sex for "famous-brand clothing." In other words, the poverty rationale divides sex workers. And more critically, as I shall show below, it does not necessarily benefit even those who are driven by poverty into prostitution.

**"I know women who, though more miserable, don't prostitute themselves"**

For some conventional people, no excuse, including poverty, can justify the work of a prostitute. A very impressive and heated dialogue took place between Li-Jun, the senior prostitute I quoted earlier, and a female passer-by on a street in Wan-hua. It was September 1998, one year after the licensed brothels had been closed. Li-Jun was on the street with other activists, all of whom were working for their community-education campaign. The unplanned encounter and dialogue were recorded by a documentary director (Hsia, 2000:123-25):

*Woman* (middle-aged): Why must you do that kind of work?

*Li-Jun*: Because this job used to be licensed by the city government. They decided to abolish it in less than 40 hours. Can we accept it?

*Woman*: If it was me, I would rather starve to death than do that kind of work. You know?

*Li-Jun*: I can starve to death. But I don't want my son to starve to death, you understand?

*Woman*: It is all your decision.

*Li-Jun*: My son cannot starve to death, you understand? My son also wants to go to college and live a life!

*Woman*: It's all your decision. Why must you do that kind of job? You are shameless.

*Li-Jun*: Why am I shameless?

*Woman*: You are simply shameless.



*Li-Jun:* I'm shameless? Have I robbed you? Do I steal from you? Do I owe you money?

*Woman:* No.

*Li-Jun:* Then why do you say that I am shameless?

*Woman:* You just are [shameless].

*Li-Jun:* Do I steal from your husband? Do I owe you money?

*Woman:* No. No. No.

*Li-Jun:* Then why am I shameless? I'm making my own money too.

*Woman:* I told you: I would never do that kind of job no matter how much I needed to work.

*Li-Jun:* Let me be frank. You are married to your husband for a long-term meal ticket. My job is for short-term meal tickets. What's shameless about it? Right? You get married, so you sleep with your husband; and we sleep with others in the same sense. What's shameless about it?

*Woman:* I sleep only with my husband, not like you: you sleep with anybody.

*Li-Jun:* There's nothing bad about that, is there? Nothing bad about it.

*Woman:* In a word, you gals are simply afraid of bearing hardship. You only want to spread your legs and make that kind of easy money. Did you know that? You simply cannot bear hardship...

For this middle-aged female passer-by, even "starving to death" was not sufficient justification for being a prostitute. Such logic can be understood if we think of very disgusting conduct, say rape or murder, for which we might not accept any justification either. Therefore, the question should be thus: what is *so wrong* about being a prostitute that no justification seems to them acceptable? One rationale the female passer-by invoked is that the prostitute "sleeps with anybody" (which is not necessarily true in the first place). Indeed, the issue of promiscuity is often raised by conventional moralists to stigmatize the prostitute—and usually with a sexist double standard in that they tend to sympathize with male promiscuity. Yet as Taiwanese society grows more "liberal" and "plural" (even if only superficially in many cases), conventional moralists are no longer entitled to condemn promiscuous single women, say like the characters in the popular American TV series "Sex and the City." No matter how disgusted they become at promiscuous conduct, they must accept that, at least in a public forum, "it is her business." Promiscuity *per se*, in this sense, is an increasingly weaker charge leveled against the prostitute.

Indeed, most of the councilors I interviewed would not use the "promiscuity"

rhetoric to discriminate against the (licensed) prostitutes. Yet the councilors' stigmatization of prostitution was just as clear as that of the moralists insofar as the former insisted that the licensed prostitutes always have other viable choices in lieu of prostitution. The councilors did not buy the "forced by poverty" claim. Councilor W said that he definitely objected to the government's distribution of more financial support to former licensed prostitutes than to other low-income people:

So what that a licensed prostitute has a heavy family burden? Some women wash clothes their whole lives, until their hands are coarser than the sole of a foot, and yet they still keep on washing. So why don't [the prostitutes] go wash clothes? [Because it is] too exhausting! So why should I subsidize you because you are afraid to be exhausted? When I subsidize you, am I treating the washerwoman fairly? Not to mention that she's the one paying the taxes!<sup>10</sup>

Councilor C emphasized that she did not think it "wrong" to be a prostitute but that she opposed a woman's entering into prostitution due to economic hardship, unless that woman is really content with the job:

Don't tell me that you do it because of you have economic difficulty. Tell me that this job is proper for you.... There are two kinds of women: one will choose to be a prostitute; the other will not. I've met many prostitutes who claimed that they were miserable. But I've also known women who, though more miserable than these prostitutes, do not prostitute themselves. I think that [to be a prostitute] ought to correspond to one's preferences. One needs to feel content with this job to do it. After all, being a prostitute is easier than not being a prostitute.<sup>11</sup>

Although Councilor C claimed that she was morally indifferent toward prostitution, she nevertheless betrayed a sense of resentment and a bias when, after dividing women into two kinds, she described the prostitute kind as choosing an "easier" way. If even miserable women are not pardoned when entering prostitution, then it is no wonder that other sex workers who apparently have other choices are more stigmatized.

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<sup>10</sup> Personal interview, June 27, 2001, Taipei.

<sup>11</sup> Personal interview, June 25, 2001, Taipei.

**“They are simply vain [*ai-mu-xu-rong*]”**

Some people may accept the poverty rationale; that is, they sympathize with a woman under economic hardship who thus has no better choice but to be a prostitute. Yet in this case, as Doezema points out, the Whore-Madonna division among prostitutes usually follows. Those who *voluntarily* choose to be prostitutes, without being forced by poverty, are hence unforgivable. This sentiment was indeed widely shared by my respondents. For example, some clients I interviewed emphasized that they discriminate against “only” those *ai-mu-xu-rong* (a popular Chinese idiomatic expression referring to people who are vain or materialist) voluntary prostitutes.

Some women have no other choice but to “jump in the sea” (sell themselves), and I won’t look down on them. But others do it just because of *ai-mu-xu-rong*. Their eyes see nothing but money. I look down on them.<sup>12</sup>

All the *enjo* girls I met are *ai-mu-xu-rong*. They had maxed out their credit cards, wanted to buy new mobile phones, and so on. Only one said she needed to pay the rent.... I will never want to have a girlfriend who sleeps with guys just for money.<sup>13</sup>

Some of them are indeed motivated by the economic hardships their families face. But most of them simply want money and use their families as an excuse. A girl usually cheats herself when she can make money so quickly and easily.<sup>14</sup>

The stigma attached to “voluntary” prostitutes is a major factor that strengthens, or at least maintains, the preclusion of the normalization of prostitution. In the context of today’s Taiwan, when many, if not most, prostitutes *are* voluntary as reflected in the significant trend of *enjo kosai*,<sup>15</sup> it becomes even more urgent to confront and deconstruct this voluntary stigma. Otherwise, as Doezema argues, taking this dichotomy to an extreme will logically elicit the dangerous conclusion that “voluntary” sex workers are disqualified from human rights considerations. Even pimps might employ this stigma to justify their exploitation and coercion of “voluntary” prostitutes.

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<sup>12</sup> “Aabb,” online interview, Oct. 3, 2003.

<sup>13</sup> “Vansu,” online interview, Oct. 13, 2003.

<sup>14</sup> “Teamo,” online interview, Nov. 29, 2003.

<sup>15</sup> *Enjo kosai*, or “compensated dating,” is a subculture among Japanese teenage girls that has been gaining popularity in Taiwan in recent years. It refers to the practice of girls who prostitute themselves in exchange for petty cash. Some women’s activists criticize *enjo kisai* for glorifying middle-aged men who patronize them as “benefactors.”

Ycsd, whom I interviewed through the Internet, was a frequent client and also an investor in a private brothel. He bluntly described to me how they punish (though he emphasized that such punishment is rare) Chinese migrant prostitutes who refused to continue working. The means for this punishment centers on gang rape, which they termed the "destruction of the essence of humanity," meaning "to degrade a girl so much that she would be indifferent to further indignities." Instead of thinking this behavior criminal, Ycsd justified it by saying, "She was voluntary in the first place. We did not cheat her or coerce her [into coming to Taiwan]." Our online chat further illustrates such men's rationale:

Researcher: Did you really inform them (the Chinese girls) of the actual nature of the work as a prostitute?

Ycsd: They were very aware that they were going to be prostitutes and that they had to serve men. My friend (the brothel owner) always made it very clear. They came because they wanted to make money.

Researcher: You used the explicit term *prostitute*? Not *club girl* or...?

Ycsd: Anyway it's clear. Think about it: could you stand it if you had to serve ten or so clients a day? These girls simply couldn't bear it because the job wasn't as easy as they had thought.

Researcher: Why did you require them to see so many clients a day?

Ycsd: Because otherwise they would not have made any money. They need to do at least 150 clients to pay off their ship fee.

Researcher: Why couldn't they take their time? They would have earned the money sooner or later.

Ycsd: That's impossible; the risk [of being caught by the police] is too high. We could work them at most one or two months.... Besides only a fresh face sells in this industry. If they stay too long, you won't make much of a profit.<sup>16</sup>

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<sup>16</sup> "Ycsd," online interview, Nov. 28, 2003.

That they were “voluntary” was the excuse the pimps used not only to enslave Chinese prostitutes but also to discipline Taiwanese prostitutes. Ycsd told me that Taiwanese prostitutes, in their brothel, when receiving their last customers each day, are allowed neither to use condoms nor to wash themselves after the sexual act—which he terms “a shot in the hole.” That is, the prostitutes need to “carry” the clients’ semen home. The purpose of this rule is to “remind them that they are prostitutes, not noble ladies. Otherwise some might feel that they were chaste women after returning home.”

Because this interview was conducted online, it is imperative that I remain skeptical of the veracity of Ycsd’s narrative. The scenarios he described such as gang rape and debt bondage, however, are consistent with the findings in existing literature on women’s trafficking (e.g. Abraham, 2001; Shannon, 1999), as well as the narratives of some migrant Chinese prostitutes that I interviewed in police stations and a detention center in Taiwan.<sup>17</sup> What is crucial about Ycsd’s narrative, at any rate, is how dangerous it is if we focus on the female prostitute’s “consent” to entering the business *more than* on the real working conditions in which she later finds herself trapped. A “voluntary” prostitute might easily change her mind when she realizes that she does not like this job, or that the job does not meet her expectations. This insight should prompt us to further reflect on, and to further question, the currently rigid understanding of consent. Concerning this goal, the situation of migrant prostitutes is particularly helpful in unveiling the complexity of the issue.

### **From forced to voluntary? The contingent “consent”**

Lei was a Chinese migrant prostitute who had been arrested and detained at a police station in Taipei when I met her in August 2003. She was asked by a police officer if she was willing to be interviewed, and agreed to do so. The officer who had been assigned by his supervisor to the task of helping me find one or two interviewees deliberately chose Lei because she seemed relatively mature and calm among the 24 women who had been detained there on similar charges. As the detention cell was crowded and silent,<sup>18</sup> my request for interviews was surely not welcomed by the officer

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<sup>17</sup> I visited two local police stations in Taipei and one detention center in Hsinchu in the years 2003 and 2004, and have interviewed 15 detained Chinese migrant prostitutes. None of them—according to their own narratives—had ever been violently forced to sell sex. Yet some of them did hear or witness other migrant Chinese women being beaten, hungered or gang raped by pimps due to their incomppliance to prostitute themselves.

<sup>18</sup> The 24 women were jailed in four cells, each with its own toilet in the back. The cell was so small that each person could only occupy a space equivalent to that needed for sleeping. Officials at jails in police stations are not supposed to detain anyone for a period longer than a week, but those women might have had to stay there for weeks and even months owing to the insufficient space at the three national detention

on duty, who was very cautious about causing any commotion. But Lei seemed to welcome this interview because, I assume, it at least gave her a very short break from the cell, where she had been detained for three weeks by the time I met her.

Unlike most Chinese prostitutes who are single and in their twenties, Lei was 33 years old and married, and had a son in Fujian province, in southeastern China. She began by telling me that she had been deceived into coming to Taiwan. A middle-aged woman who had befriended Lei's fellow villagers persuaded her to get smuggled into Taiwan and promised to arrange for her a job "in a company." At that time, Lei had been laid off by a textile factory for months and hence was eager to find a job. She persuaded her husband to agree to her departure and even borrowed RMB\$2000 (US\$240) to pay for the smuggling fee.

During the overseas trip, Lei experienced serious seasickness and did not eat for three days. Upon arrival, each woman was assigned a number and then taken to a respective van. Lei was taken to an apartment on the 10th floor of a building and finally got the chance to shower after the unbearably long trip. She was nevertheless sick for another two days and then was told by a Chinese woman about the activities in the apartment, which was basically a private brothel. Another man told her that she had to pay off the debt of smuggling. "I thought it was impossible [that I needed to pay it off again], and realized that I might have been deceived." The man also beat her, Lei told me: "You can confirm with the policemen [if you don't believe me], I had bruises when I was caught." After a week's captivity, Lei "agreed" to receive clients because she honestly "[did] not know what else to do."

According to Lei, she was arrested right after having had sex with her *first* client.<sup>19</sup> I was not surprised when Lei told me how she regretted being smuggled into Taiwan. In addition to the unbearable suffering of detention, she also worried about certain revealing photographs and her police records being sent back to her home village. Although the detainees were allowed to make phone calls three times a month, Lei had not told her husband that she had been caught for selling sex. She would rather let him believe that she had been arrested for smuggling herself into Taiwan, which was also true. Not only will she have failed to earn the money she expected—if her claim of a first-time deal was true—after being repatriated to China, she will further be penalized by the Chinese government for smuggling, which means another huge penalty of

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centers vis-a-vis the number of arrested illegal Chinese migrants.

<sup>19</sup> Because many Chinese prostitutes claim that the offense for their first arrest is their first time selling sex, all the police and some reporters I met suggested I be more suspicious of such a "first-time" claim.

RMB\$6,000-10,000 (US\$700-1,200)<sup>20</sup> or 3 months of imprisonment.

After chatting for a while, however, Lei revealed that she was somewhat aware of the possibility that she would be sent to work in the sex industry in Taiwan, but assumed that it was like serving wine in a club rather than the direct intercourse that she was forced to engage in:

Girls in the Mainland (China) just serve at tables. Men come to KTV to sing songs, and girls play with them. If they get along well, they might become more intimate after a period of time. We have heard about such women “going out” (implying “to have sex”) with customers in our village. It’s not like the direct sex [intercourse] you have here...

Current literature suggests that the false promise is a common tactic applied by organized crime to traffic women in the global sex industry. At first, it also seemed to me that Lei was a victim of such deceptive trafficking, since her understanding of the promised job was different from the reality. When I asked the police officers for another interviewee who had not been “coerced or deceived” as Lei had been, however, the four officers in the room broke into laughter and said: “Of course nine out of ten claim that they were coerced; the Mainland Chinese are good at lying.”

This unexpected scenario struck me for a quite some time. On the one hand, I was annoyed at the police officers’ straightforward disbelief of the women’s narrative. On the other hand, I began to consider whether Lei was indeed “lying” in order to gain sympathy. After all, as Alison Murray suggests in her discussion on debt-bondage and trafficking, we need to understand the *context* of a prostitute’s narrative:

Since prostitution is illegal in Thailand and the workers were interviewed in detention, it seems logical that they would say [that they did not know the type of work they were going to do] to avoid prosecution, as do migrant sex workers everywhere in an effort to avoid deportation (1998:56).

Surely it is easy to realize why some prostitutes claim that they were coerced or deceived even if they were not. Indeed, given the deep-rooted whore stigma, most people might even wonder why some prostitutes *do not* lie when being caught. It is

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<sup>20</sup> The severity of the fine could only be realized by comparing it with the average income in China. The monthly salary of a college graduate in big cities like Shanghai is about RMB\$1,500 (US\$180), and that of a high school graduate working in factories—like Lei—is RMB\$800. In rural provinces, the average monthly salary for a worker is only RMB\$400.

partly because of such a presumption (that they will lie) that the police tend to be suspicious of any claim from a prostitute. In Lei's case, moreover, even if her narrative is completely true, she might still be characterized as lying in that she seemed to have a vague idea of what she was going to do—that is, working in a kind of sex-related business. It is more like that the reality did not meet her expectations; and people could argue that such an expectation gap occurs in any kind of job and does not count as "deception."

What Lei had consented to became a question of different interpretations—a question to which maybe even she herself had no clear answer. Therefore, instead of deliberating over exactly what kind of job Lei consented to before coming, would it not be more helpful to focus on why and how she might or might not have rejected the kind of working conditions that were offered to her without her being coerced into the work—regardless of the promises that had been put to her before?

On January 12, 2004, the media in Taiwan spotlighted the news story that the police had arrested a 14-year-old Chinese girl selling sex in Taipei. The girl, Tian-Tian, said that she had been deceived by a friend A-mei who had been to Taiwan and who had claimed that "one can easily make \$50,000 RMB a month in Taiwan." Tian-Tian was working in a supermarket for her tuition at that time and was eager to earn money quickly and hence agreed to be smuggled into Taiwan in the hopes of finding another clerk job in a supermarket. Upon arrival, however, she was asked by a man to pay her smuggling fee of NT\$150,000 (US\$4,350) right away. As she knew nobody here, Tian-Tian learned that it was too late to reverse her decision and hence had no alternative but to prostitute herself. Because of her youth, Tian-Tian became very popular and usually received more than ten clients a day. She thus paid off her smuggling fee in less than two months.

The controversy occurred when Tian-Tian, although no longer debt-bonded, continued the job so as to make more money. Almost all the leading newspapers in Taiwan reported how Tian-Tian "chose" to continue the job as though she had come to take satisfaction in this easy way of making money. One newspaper described it this way:

After the debt was paid, Tian-Tian said, she started to earn one-third of the profit from every deal, and the escort service did not control her mobility all day long anymore. The police found that although Tian-Tian was free, she could not help but to continue the job. Tian-Tian claimed that she continued to work because she wanted to earn her tuition, but the police *shook their heads*



[i.e., did not agree with the claim].<sup>21</sup>

That Tian-Tian changed her mind and chose to stay at the job so as to make more money was a demonstration of her agency and was perfectly reasonable in that context.<sup>22</sup> Yet the apparent disapprobation as shown in the reaction of the police and the media reflects how voluntary prostitutes are discriminated against—and, in this context, “voluntary” general refers to anyone who is not oppressed by immediate violence or severe threats. As such, even the initial acts of violence and criminal conduct forced upon the women are perceived as minor or are even legitimized. In this regard, Doezema criticizes the prejudice of Dutch police:

Police will refuse to investigate complaints of trafficking by women who continue working as prostitutes. Supposedly there is no victim: she wanted it all the time, at least, that is what they can conclude from the fact that the woman is willing to work again in prostitution after having filed charges (1998:45).

The Stories of Lei and Tian-Tian reveal that voluntary and forced prostitution is seldom, if ever, a clear-cut dichotomy and much more often, if not always, a continuum that involves different and fluid extensions of force and consent. A rigid distinction between voluntary and forced prostitutes not only results in the unilateral stigmatization of the former and the victimization of the latter but fails to capture the complicated dynamics and power relationships that pervade the working life of a prostitute. Therefore, for the prostitutes’ rights activists, the focus should be placed on the *working conditions* of the prostitute—no matter what kind of consent she, at one time, expressed. It is important to note that even “trafficked victims” could be protected under this approach—because, as Doezema rightly points out, “Debt bondage and illegal confinement amount to slavery, whether or not there was initial agreement to work as a prostitute” (ibid. 43).

### **Beyond strategy: a postmodern feminist reflection**

There is still a group of abolitionist/radical feminists who take their cue from

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<sup>21</sup> “14-year-old Mainland girl migrated for prostitution” *United Daily*, January 12, 2004. Retrieved from <http://udnnews.com>.

<sup>22</sup> The (under) age of Tian-Tian is very likely an excuse to question or deny her consent and decision. I am unable to discuss the controversy of child prostitution in this paper, so my discussion here basically considers Tian-Tian not as a child but as a migrant sex worker.

the late nineteenth-century "White Slave" campaign legacy and who deny the very validity of "consent" in any form of prostitution. Another group of feminists adopt the forced-voluntary binary to perceive prostitution, and recognizes the legitimacy of "consenting sex workers." Although Doezema has been criticizing the former group for denying women's capacity to consent, and the latter group for condemning only "forced" prostitution but offering nothing in the way of rights for the "guilty", "voluntary" prostitutes," she does not deliberate on the complexity of consent in prostitution either and, in this regard, seems to share the liberal feminist perspective that takes consent as a given and as always clear. This inclination is especially evident in her 2002 essay:

I want to focus on the harmful political consequences of arguing that coercion (including deception) is not an essential part of any definition of trafficking. The argument that women cannot consent to commercial sexual interactions coincides all too easily with anti-feminist ideas about female sexuality, and particularly with that of the threat of women's sexual autonomy (Doezema, 2002:21).

Although I endorse Doezema's suggestion that we should abandon the voluntary-forced dichotomy, the endorsement is however based on a postmodern feminist acknowledgment of the contingent and constructed nature of consent. Postmodern feminists view "[women] as formed within systems of social relations, and ...gender hierarchy as reproducing itself through the identities and desires formed within these systems." (Eichner, 2001; in O'Rourke, 2002:491). As historian Pamela Haag has shown in her critical review of different interpretation(s) of consent in American history, "The metaphysical abstraction of consent in fact becomes legible and stable in each historical moment through a set of contextual, cultural properties that elaborate it and, in some cases, achieve the status of 'commonsense' through repetition." (1999:181). Given that consent is often politically and strategically implicated, it is not necessary (and usually impossible) for sex work activists to find out, or to "validate," on an individual level, a woman's expressed consent, "real" consent, or even "forced consent." This is why I suggest that sex-work activists move away from the "consent" question and pragmatically spend their time on the advocating of *sex work as a form of labor*, the treatment of which should be equal to that corresponding to other forms of labor.

It is only through this "normalizing sex work" strategy that we can easily dispute the modified whore stigma that focuses on "voluntary" sex workers. Such a stigma, after all, is no more than a kind of resentment against people who are perceived as either

earning “easy money” or *ai-mu-xu-rong* (vain). Given the humiliation, stigma, substantial danger, and emotional and physical labor that are required in the providing of sex services, it is a myth *per se* to say that the money is earned “easily.” Yet even if the prostitutes *are* making relatively easy money, since “easy money” is such a dominant ideal that most people eagerly pursue, on what ground should the prostitute be singled out and stigmatized for that accomplishment? On what ground can people criticize voluntary sex workers *more* than other “gold diggers,” say like stock market players?

This analogy does not mean that I endorse the easy-money dream. Rather, the point is that only through a defense of the categorization of “sex work” as a form of labor can we fight against various selective criticisms and double standards imposed on sex work and sex workers.

A strategy that intentionally avoids the consent question by no means implies that a person’s expressed consent is not important or should not be respected. In fact, it is exactly because there are already too many resources devoted to the saving of trafficking victims and to the revealing of women’s consent that I dare to endorse such a strategy. Yet as stated in the beginning, I also follow a postmodern feminist acknowledgement of consent and subjectivity and hence recognize that consent is never naturally given but constructed within (sometimes competing) contexts. As Haag points out, a verbal “yes” spoken in a larger context of sexual and economic inequality deserves significantly more than a face-value examination. Therefore, I believe that on a collective or macro level, it is imperative that we, and by “we” I mean any concerned feminist or sex work activist who has *extra* time, critically reflect on the underlying hegemonies and dominant structures that confine, if not determine, the expressed “consent” of sex workers (as well as people in other gendered institutions).

One example of such a contextual reflection is provided by Murray with regard to voluntary migrant sex workers:

Expectations are raised by the consumer images beamed in by television, and any life is seen as better relative to a poor existence in the village: sex workers are not idealists any more than they are victims, neither have evil procurers and paedophiles created the whole industry (1998:59).

Murray is talking about the material desire for consumption, an arguably compulsive practice for people living in a capitalist world. It will be another project to discuss the “demand” and “supply” sides of the sex industry, but this compulsive desire for consumption is undoubtedly an important drive that creates many “voluntary”

prostitutes today. Nonetheless, as emphasized earlier, this macro exploration is meant not to single out prostitution and sex workers but to identify and confirm the more fundamental battlefield(s) where we should be continuously engaged.

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