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**Policing Sex: State Power, Prostitution and the Establishment of
the Sexual Order Under the Police Offence Law in Postwar
Taiwan - Towards a Genealogical Critique of ‘Virtuous Custom’**

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Abstract

This paper considers, by way of conjunctural analysis and genealogical investigation, the policed culture of sex under the regulatory regime of ‘virtuous custom’ as sustained by the now defunct Police Offence Law (abrogated and replaced by the Social Order Maintenance Law in 1991) between the 1950s and 1990s. It attempts to trace the historical process whereby the social/sexual order came to be established in postwar Taiwan, thus articulating the cultural specificity of gendered/sexual subjectivities as formed within that particular geo-political terrain. Examining the police technology as well as the official/journalistic discourse of sex, this paper demonstrates that ‘virtuous custom’, a nationalist ideological construct predicated upon the Confucian sage-king paradigm, operated as a norm of sex whose boundary was secured through the policing of non-familial/non-marital sexualities, arguing further that both female sexuality and male homosexuality have been historically regulated by the state *through* its banning of prostitution. As the normative regime of ‘virtuous custom’ has become even more hegemonic due to the rise of anti-prostitution state feminism in recent years, contesting the new social/sexual order on the grounds of its ideological operations and practices represents the most challenging task for progressive sexual and gender politics in Taiwan today.

What kind of political techniques, what technology of government, has been put to work and used and developed in the general framework of the reason of the state in order to make of the individual a significant element for the state?

Foucault (2001: 409-10)

Queers do a kind of practical social reflection just in finding ways of being queers...Because the logic of the sexual order is so deeply embedded by now in an indescribably wide range of social institutions, and is embedded in the most standard accounts of the world, queer struggles aim not just at toleration or equal status but at challenging those institutions and accounts.

Michael Warner (1993: xiii)

Introduction

How has the sexual order come to be established in postwar Taiwan? Under what normative condition and regulatory regime of gender/sexuality is the body materialised in that particular society? Through what governmental technology of sex is the gendered/classed individual subjectivated within the discursive space of national culture to become a member of the nation/state and who is being excluded during that process? Finally, what does it mean to be a sexual dissident in Taiwan today? This paper tackles these questions by considering the policed culture of sex under the regulatory regime of ‘virtuous custom’ as sustained by the now defunct Police Offence Law under the Kuomintang (KMT) or the nationalist party government.

The Police Offence Law, modelled heavily on pre-war Japanese Police Offence Law (Li 1979: 24), was originally promulgated in 1906 by the Qing government. Finalised after an overhaul in 1943, it remained *unconstitutionally* sustained by the KMT government in Taiwan until 1991 when it was finally abolished and replaced by the Social Order Maintenance Law.¹ This administrative law, which enabled the state to actively intervene in the course of social formations, played a pivotal role in nation-building in postwar Taiwan. Its regulatory realms encompassed virtually every aspect of social and public life such as inhabitation, commerce, transport, leisure, hygiene and morality, ranging from for instance enforcing the playing of the national anthem at film screenings to redressing ‘misdemeanours’, from prohibiting ‘outlandish’ clothes to outlawing all forms of commercial sexual activities. It conferred the police the prerogative to discipline and punish: interrogation, jurisdiction, adjudication, and the execution of punishment were all to be carried out in the police station. While the offender’s true intent in the alleged crime did not preclude punishment, the police also had discretionary powers to impose harsher punishment on those who habitually offended the police because of their loafing-about or laziness. Penalties include confiscation, detention of up to 14 days, the imposition of admonition, forced labour or a fine as well as the shutting down of a business either temporarily or permanently.²

¹ Because the Police Offence Law was promulgated before the implementation of the Constitution in 1947, it ought to have been made invalid. See Zeng (1988: 5).

² ‘The Police Offence Law’ in Lin (1989: 813-820).

To legitimise the operation of the Police Offence Law in Taiwan, the KMT government promulgated in 1953 the Police Law, which enlisted the ‘redressing the customs’, among others, as part of police administration. While the police’s redressing of social customs included getting rid of what was perceived by the state as backward and ‘pre-modern’ social practices (such as ‘foot-binding/breast-binding’ and ‘superstition’), it was the political management of sex that constituted the most significant part of this particular domain of police administration (Wang 1958: 242). In the name of maintaining ‘virtuous custom’, the police, assigned by Chiang Kai-shek the role of moral guardian of the population,³ not only had the mission of rectifying individual sexual misconduct but also the task of administering the leisure/pleasure businesses associated with fostering sexual immorality in general and prostitution in particular in accordance with the Police Offence Law. It is the operation of this particular law within the context of police’s management of sex between the 1950s and 1980s that this paper seeks to examine.

This preliminary investigation into the construction of ‘virtuous custom’ in postwar Taiwan analyses primarily the following two domains of representation. The first concerns the official discourse of sex, especially the production of specialised knowledge regarding the administering of sex/prostitution within the police institution

³ Chiang Kai-shek, architect of the modern police institution in China/Taiwan, founded the Central Police Officer College (in Nanking, China, in 1936 and reconstituted in Taoyuan, Taiwan in 1955), serving as its principal for the following twelve years while he was also the leader of the republican government in China. Maintaining that ‘the aim of police administration is the practising of “the government of benevolence/gentleman’s way of governing (*renzheng*)”’ (Chiang, cited in Mei 1951: 4), Chiang upholds that the essential task of the police is to reform society and to ‘enable all the people to become good national citizens (*guomin*)’ (Chiang, cited in Feng 1958:6). To undertake such a task, the police must, as Chiang expounds in an admonitory talk he gave to students of the Central Police College, excel their moral cultivation and assume the three governing positions of ‘parents’, ‘teacher’ and ‘king’, with the last one construed as the agent of the law:

We have to first govern the people as their parents and teachers in guiding, teaching and disciplining them. It is only when you cannot govern them as their parents and teachers that you have to seek recourse to the law. Therefore everybody must know that we should try our best to ensure that people do not offend the law. Try our best to make people listen to our admonishments and to be loved and cherished by us (Chiang 1964a: 149).

Here Chiang evokes the cultivation of a morally superior man - known as *ren* 仁 or *junzi* 君子 (gentleman; a man of noble character) - predicated upon what is generally called within the Confucian tradition practiced by the intelligentsia the ‘sage-king paradigm’. Schematically, the sage-king paradigm pertains to the art of government formulated in widening series of spheres, typified by the Confucian expression, ‘to cultivate the self, to regulate the household/family, to manage/rule the country, to pacify the world’, with ‘sage-king’ being the impeccable moral subject. While in theory every human being can become sage-king, the possibility of becoming or assuming the sage-king subject position is, as Liu Jen-peng has noted, in practice necessarily pre-determined by one’s social status. In her important study of the late Qing and early republican discourse of women’s rights, Liu demonstrates how such a discourse pertaining to the modern notion of ‘equality’ came to be articulated through the ‘sage-king’ moral hierarchy, which presupposed a pre-given totality naturalised in accordance with existing political/social relations such as the king/subject, father/son, husband/wife. Within this hierarchy, the morally inferior is proposed as the contrary or subordinate of the morally superior. Provided that the pre-given totality is not radically called into question, those who assume the sage-king speaking position are capable of acting in a benevolent way towards the morally inferior (Liu 2000: 1-72). This paper will show that the state’s maintenance of ‘virtuous custom’, predicated upon the ‘sage-king’ moral order/hierarchy, came to be sustained by the implementation of police administration backed up by the Police Offence Law.

itself. The second pertains to the representation of police operations in the press and the response by the press to government actions.

Before embarking on this investigation, it is essential to look first at the differences between the two main laws pertaining to the regulation of prostitution, namely, the criminal law and the Police Offence Law. Article 231 of the criminal law did not (and still does not) prohibit individuals from prostituting themselves. Rather, it outlawed those who made profits by encouraging and facilitating others to perform illicit sexual acts (categorised in juridical terms as *jianyin* [carnal relations], designating extra-marital penis-vagina penetrative sex and *weixie* [indecent], any sexual act other than *jianyin* such as same-sex genital relations). Of particular significance here is that up to 1999, there existed in article 231 a legal category of women called ‘woman of respectable family’⁴:

The so-called ‘woman of respectable family’ is not to be judged by her family background. Rather she is to be defined in accordance with whether she is accustomed to immoral sexual behaviour. If a prostitute has stopped plying her trade, she then can be called ‘woman of respectable family’. On the other hand, if an illicit prostitute [as opposed to licensed prostitute] is prostituting herself, she cannot be said to be ‘woman of respectable family’ (the Juridical Yuan, Explanation no. 718 [delivered in 1932] in Liu 1994: 579).

The apparent logic in this legislation is that the prostitute population would diminish and eventually disappear provided that women of respectable families could be prevented from becoming prostitutes. On the other hand, the juridical definition of ‘woman of respectable family’ appeared to include all ex-prostitutes. Thus, under the purview of the law, an individual running a brothel would not be prosecuted provided that the women prostitutes he or she employed could be proven to have been ‘accustomed to immoral sexual behaviour’.

Article 64 of the Police Offence Law, on the other hand, outlawed the prostitute, the pimp (item 3) and the client (item 4). It is of particular importance to point out that the illicit sexual act performed by the prostitute was defined in this article as *jiansu*, a compound which consists of *jian* [illicit sex] and *su* [sleeping with someone]. In practice, the term had always been made to operate as a synonym of *jianyin* or ‘carnal relations’ as defined in the criminal law. This meant that the Police Offence Law prohibited *only* heterosexual prostitution. However, as the paper will show, homosexual prostitution activities were also punished by the Police Offence Law.

To License or Not? Prostitution Policies in the 1950s

Prostitution culture in Taiwan during the Japanese colonial period, according to the historian Lin Hongxun, was constituted with the cultural traditions of the Han-Chinese and the Japanese. In both traditions women prostitutes were placed in a hierarchy which distinguished between those educated prostitutes (the courtesan in the Han-Chinese system; the geisha in the Japanese system) who entertained the gentry with their artistic skills and those illiterate ones who solely provided the service of

⁴ In the 1999 amendment of criminal law, ‘woman of respectable family’ of article 231 was deleted and replaced by the phrase ‘man and woman’. See below for the ramifications for this legal change.

sexual intercourse. Under the Japanese government's licensing policy, all the courtesan/geisha houses and brothels were allowed to ply their trade in the authorised red light districts. However, from about 1930 onwards, the Han-Chinese courtesan house culture was gradually taken over in cities like Taipei by modern leisure businesses such as salon-style coffee houses and dance halls. Fashionable and popular, these new leisure businesses also gave rise to the new profession of 'hostess'. By the end of the Japanese colonial period, hostess culture had become a new social phenomenon and hostesses could be found in all the leisure businesses, ranging from traditional wine houses and tea rooms to modern coffee houses and dance halls (Lin 1997: 108-110). Although it was not until the promulgation of the Police Law in 1953 that the task of 'redressing social customs' was *formally* assigned to police administration, the police authority in Taiwan had already undertaken this task in the immediate aftermath of Taiwan's returning-to-China in 1945. Reasoning that 'our Taiwanese countrymen were allowed under the Japanese occupation [1895 – 1945] to wallow in immorality which must be rectified' (*Taiwan Police Administration*, 1946, cited in Lin 1997: 111), the new Chinese nationalist government launched in 1946 an island-wide police modus operandi consisting of '1) outlawing hostesses; 2) rooting-out prostitutes completely; 3) banning dancing; 4) doing away with superstition' (Lin 1997: 111-112).

Chiang Kai-shek's exiled government, having arrived in Taiwan in 1949, continued this line of de-colonising/re-nationalising schema. In its attempts to impose a 'war-time' disciplinary lifestyle, the government ordered all existing local leisure businesses such as wine houses and tea rooms to be renamed 'public canteens' or 'public tea rooms'. These establishments, designated as 'certain type of businesses' and directly governed by local police,⁵ were enjoined to keep the premises as 'plain', 'simple', 'orderly', and 'clean' as possible. Officially renamed 'waitresses', hostesses of such establishments were strictly prohibited to accompany customers 'drinking and singing' while dissolute behaviour was absolutely forbidden. They were required in addition to have regular venereal diseases check-ups in order to obtain work permits from the police.⁶ Implicit in this regulation was, of course, the presumption that all hostesses/waitresses were engaged in the practice of prostitution. Significantly, it is precisely this same presumption that informed government's 1951 pilot scheme, which tacitly allowed licensed prostitution to operate in the guise of so-called 'certain type of wine houses'.⁷ Meanwhile, it must be pointed out that the government also began to set up brothels island-wide to provide sexual services to its army population, an institution that came to be known as 'Military Paradise'.⁸ Beyond these somewhat covert measures, however, stamping-out prostitution remained the government's official policy.

⁵ A police jargon rather than a legal term, 'certain type of businesses' referred to a wide range of businesses licensed and controlled by local police in accordance with the Taiwan provincial government's regulation of businesses deemed as posing potential danger to 'social order' or 'public health'. See Lu (1958: 4).

⁶ On these regulations pertaining to public canteens and public tea rooms, see Wang (1958: 273-275).

⁷ This pilot scheme came to an end in 1956 when the government decided to implement licensed prostitution. See below

⁸ According to a *China Times* special report, Chiang's exiled government only allowed military officers of high ranks to bring their spouses with them to Taiwan while all the soldiers were forced to leave behind their spouses in mainland China. 'Military Paradise' was therefore set up to compensate for the soldiers' sexual requirements (*China Times* 1995). For a non-scholarly account of this institution, see Ke (1991: 72-78).

Observers within the institution of the police in the early 1950s, though in line with the government's policy to eradicate prostitution, nevertheless expressed doubts about whether the overall practice of the police crackdown was a means to an end. The standard seven-day detention penalty made in accordance with the Police Offence Law simply failed, it was argued, to deter prostitutes from plying their trade in a period of recession.⁹ Generally speaking, the police discourse on the subject of prostitution is predicated upon a political rationality that makes the distinction between two modes of governmental action – one negative, the other positive. The former, construed as bringing about a temporary solution to the problem, tends to seek recourse to the law or regulatory policies, whereas the latter, figured as getting to the root of the problem, leans towards welfare policies. For instance, in calling on the government to implement licensed prostitution, the police observer Yao Jishao argued that such a policy would enable the police to manage prostitutes, bringing them under control and gradually reducing the number of prostitutes by persuading them to 'gain respectability'. At the same time, he maintained that the government should try to raise money to build factories in order to encourage prostitutes into respectable employment (Yao 1949:15).

Continuing this line of analytic framework, another observer Huang Yue made his case for licensed prostitution by pointing out the impracticality of the positive approach. Firstly, welfare policies such as providing prostitutes with job training, education or financial relief could not be implemented without first obtaining precise statistics of the prostitute population, Huang argued, yet obtaining such figures was difficult, if not impossible, for with prostitution being illegal, how could one expect prostitutes to come to the government asking for help? Moreover,

In this province [Taiwan], apart from the typical kind of prostitute, wine house/tea room hostesses and even those lower class bondmaids cooking for the rich are all known to prostitute themselves for living. Tempted by money, these women often do not hesitate to sell their bodies and souls. With regard to these women, difficulties arise when one identifies them as prostitutes in order to rescue and help them out. However, one simply cannot adopt the *laissez-faire* attitude in dealing with these women who ply their trade in a covert way, because the harm they cause to 'social morality and the people's health' is no less than that caused by typical illicit prostitutes (Huang 1949: 9).

Secondly, the government simply could not afford to pay the bill. Besides, given that the existence of prostitution was unavoidable as 'society has not reached the ideal stage whereby every man has a job and every woman has a husband', Huang maintained that licensed prostitution remained the only realistic option for the government, adding that it not only had the benefit of reducing sex crimes (for providing a proper outlet for those with sexual needs) but also of 'protecting the health of national citizens by stopping the spread of venereal diseases' (9).

There are three points to be made concerning Huang's advocacy of licensed prostitution. Firstly, Huang rightly identifies the inherent contradiction within the

⁹ See for instance Wang (1955).

positive mode of state intervention: any welfare policy for women prostitutes was doomed to failure from the outset if prostitution remained outlawed, yet the state's maintenance of virtuous custom was predicated upon the rooting-out of prostitution. Despite this, Huang's own stance on prostitution hinges upon this very contradiction which ambivalently construes the woman prostitute as at once victim (of sexual exploitation and in need of rescue) and victimiser (of society), a dual figure whose construction Gail Hershatter has traced in the context of prostitution in republican China (Hershatter 2000: 181-241). This explains why he would only go so far as to call for licensed prostitution rather than decriminalisation of sex work. Secondly, his formulation of the utopia which licensed prostitution helps sustain is indicatively heterosexist and statist. Marriage is paramount and women's sexuality must be sanctioned by the state. Thirdly, women prostitutes, even if licensed, are not regarded as *proper* national citizens as their contagious bodies pose a danger to the health of 'national citizens'.

After a decade of outright banning of prostitution, the KMT government finally adopted the licensing policy, thus promulgating 1955 the 'Women Prostitutes Administrative Procedures for the Local Governments in the Province of Taiwan'. Initially, this regulation was to run as a pilot scheme which allowed licensed prostitution to operate in designated red light districts while requiring at the same time local governments to wipe out unlicensed prostitution within two years. As local governments continued to fail to meet the target, the two-year trial period was twice extended and eventually dropped in 1962. Significantly, the regulation prescribed the following four administrative procedures for local authorities:

- 1) rooting-out illicit prostitutes completely: police were to act in accordance with the Police Offence Law in outlawing prostitutes and pimps. Once arrested, illicit prostitutes should be handed over to the health authority to be checked for venereal diseases. The habitual police offenders, after receiving their punishments, should be sent to reform institutions or be registered as licensed prostitutes if they wish.
- 2) licensing and managing: police were to be the authority in the matter of licensing. Licensed prostitutes must be over 18-year of age and were obliged to have weekly checkups. Prostitutes were to keep seventy percent of their earnings, with thirty percent going to the brothel. Brothels were not allowed to advertise.
- 3) rescuing and guiding the prostitutes to regain respectability: local authorities should rescue those 'foster daughters' (*yangnü*) forced into prostitution by their foster parents while encouraging and assisting the already licensed prostitutes to retire by getting married.
- 4) retaining and reforming: local governments should set up or encourage the private sector to institute women's rescue/reform/education centres which help women to find spouses, training them in family management, nursing, hair-dressing or production skills. In addition, they should organise, with the help of loans from the central government, women cooperatives to improve deprived women and their families in order to prevent them from 'becoming fallen'.¹⁰

¹⁰ 'Women Prostitutes Administrative Procedure for the Local Governments in the Province of Taiwan', in Wang (1968: 195-196).

These procedures, consisting of both the negative and positive modes of state intervention, represent what Foucault calls ‘the marginalistic integration of individuals in the state’s utility’ (Foucault 2001: 409). As political technology of gendered/classed individuals, they aimed to reform prostitutes as either housewives or useful/productive labours for a rapidly industrialising society.

Of particular interest here are the figure of ‘foster daughter’ mentioned in Procedure 3 and the welfare guidelines specified in Procedure 4. ‘Foster daughter’ as an identity-name was engendered within the context of agrarian society in Taiwan during the first half of the twentieth century when the custom of ‘minor marriage’ was prevalent. Under this patrilineal custom, young daughters were given/sold to other families as ‘small-daughters-in-law’ (*simpua*) in the guise of adoption and were in some cases resold as bondmaids (*zabogan*) (Ding 2002b). For those wanting to escape from the ordeal of domestic servitude or for those seeking employment to support their foster/in-law families, waged and yet illegal sex work often became one of the few sustainable means available to them, given their lack of cultivation as well as their base social status.¹¹ It was for this reason perhaps that ‘foster daughters’ came to be identified by the KMT government throughout the 1950s and 1960s as a particular class of women that made up most of the imagined prostitute population. Accordingly, protecting the ill-fated ‘foster daughters’ from ‘falling’ or being forced into prostitution became part of the state’s campaigns to eliminate prostitution. For instance, apart from the setting up of the ‘Protection of Foster Daughters Movement Committee’ in 1951, the government also promulgated, in conjunction with the implementation of licensed prostitution in 1956, the ‘Procedures for Improving the Current Foster Daughter Custom in Taiwan’ which assigned local police the role of social worker in seeing to the well-being of foster daughters, primarily to prevent abuse, trafficking and forced prostitution. Nevertheless, these benevolent measures, contrary to what the government asserted, appeared to have little impact. With the number of foster daughters officially estimated to be more than 100,000, the committee dealt with only 326 cases on average a year between 1951 and 1966 (in contrast to 19,215 cases of illicit prostitutes arrested on average a year during the same period), which is less than 0.4 % of the very population that the government were purporting to help out. (In fact, only 56 of these 326 cases pertained to forced prostitution.)¹² It is hardly surprising given that the committee, with its office squeezed into a borrowed corner of a Taipei police station, did not even have enough travel budgets to conduct investigations outside Taipei.¹³

It is significant to point out that only two Women’s Training Centres (one in Taipei, the other in Tainan) were actually set up following the welfare guidelines specified in Procedure 4.¹⁴ The scarcity of welfare institutions to reform prostitutes was addressed

¹¹ For an excellent discussion on the bifurcation of domestic and sex work in relation to the formation of base femininity and its implications for feminist sexual/class politics in the context of contemporary Taiwan, see Ding (2002a; 2002b; 2002c).

¹² This calculation is based on the figures from *A Study on the Problems of Offences Against Morale in Taiwan*, the first postwar official research on the problem of sex offences (including the criminal and police offences) published by Centre for Crime Prevention Studies, the Ministry of Justice. See (Sifaxingzhengbu fanzuiwenti yanjiuzhongxin 1967:123; 167; 194-195).

¹³ See (Sifaxingzhengbu fanzuiwenti yanjiuzhongxin 1967: 194-195).

¹⁴ This particular institution was criticised in the mid 1960s for its poor management (with the large number of prostitutes escaping from it). See Lü (1976: 41).

by the police observer Qin Gong, who criticised his government for making available a meagre budget for programmes to assist prostitutes to reform: ‘how could the government leave the extremely important task of setting up philanthropic institutions such as women’s education centres to the private sector?’ (Qin 1958: 6) The licensing policy, whose ultimate aim is to abolish prostitution completely, is unlikely to succeed unless, he argued, it is integrated within the general framework of welfare policies (6). However, in a U-turn gesture as if to let his government off the hook, Qin went on to argue that not even the most well-devised welfare policies could eradicate prostitution because there are always those ‘ignorant’ or ‘feeble minded women’ who ‘give themselves up to prostitution in pursuing materialistic fulfilment.’ With regard to this type of prostitute, Qin was adamant that ‘there is no guarantee that by matching them with spouses or/and proper jobs, they would stop plying their trade’, thus concluding:

In the future, apart from implementing effective social policies, we should get to the root of the problem, starting by enhancing the standard of education for women as well as by reforming social norms. It is by upholding noble moral standards, by cultivating the sense of shame, by getting rid of extravagant lifestyles and by forming thrifty and simple customary practices that one can ultimately wipe out prostitution (19).

Qin’s insistence on the need for moral (re)education of women only goes to show that what is at issue in the KMT government’s prostitution policy is not so much its benevolent intent to provide social security for the dispossessed as its attempt to make the under-privileged female population conform to the given patriarchal sexual moralism.

Here we must further look at how that moralism was upheld. The reinstatement of the police outlawing illicit prostitution (Procedure 1) prompted the publication of two articles discussing illicit prostitution as a police offence in *The Police Guidance of the People Fortnightly* in 1960. Written with the intention of providing general guidance for the police handling of illicit prostitutes, the articles, authored by the police officers Zhang Yide and Zhang Wenjun respectively, reveal the police epistemology of immoral women as well as the techniques employed to discipline and punish them. To begin with, both authors maintained, the places which the police oversee are not confined to those where prostitution is most likely to take place, such as brothels or hotels. In the name of defending virtuous custom, the police can enter any place, including private residences, where they suspect immoral sexual activity might be taking place. Further, according to Zhang Yide, if the police, when conducting ‘unannounced inspection’ (*linjian*),¹⁵ discover a man and a woman who are not married sleeping in the same room, they should be alert:

After interrogation, if one believes that they are not good friends or that there is a significant age difference between them, or that the woman is a bar girl, wine-house woman, that she works as waitress in a tearoom, or coffee house, or that she has a police record of plying her trade in the past, even if she denies categorically that she is prostituting herself, she should be seen as a prime

¹⁵ This practice amounts to surveillance which enable(d) the police to inspect anyone at any place at any time. I thank the human rights lawyer Qiu Huangquan for bringing this practice into my attention in our private conversation.

suspect. The police officer should order the suspect to come to the police station and record and take a written statement, requiring the suspect to sign it (Zhang Yide 1960: 9).

This passage makes clear, once again, that women in the leisure/pleasure businesses are regarded by the police as illicit prostitutes. It also suggests that once a woman becomes a police offender, that identity will be hers forever. In addition, it demonstrates a normative opposition to cross-generation relationships and casual sex. With regard to the latter in particular, Zhang Wenjun, in his attempt to differentiate *pinju* or 'living illicitly as husband and wife' from sexual encounters, argued that a non-married woman supported by male patrons can qualify as a prostitute if she intends to profit from her relationship with a man and if she 'does not have the intent to "choose [carefully] the man she serves" (*zeren er shi*)' (Zhang Wenjun 1960: 8).

Although the police have the prerogative to decide how the offender should be punished, they must, both authors maintained, exercise their power with extreme care and discretion, trying to be 'just and reasonable'. Thus, in the words of Zhang Wenjun:

Although most of those who get involved in the pleasure business are the slothful kind who abandons themselves to vice, there are also some who are forced into doing it by difficult circumstances. Therefore, before a verdict is delivered, the police officer should, as well as understanding what constitutes the offence, investigate thoroughly the offender's family background/upbringing (*shenshi*), personality, motivation for becoming a prostitute, her manner toward the police, whether she expresses regret and whether she's a repeat offender. With regard to penalties, I reckon one should avoid a financial penalty as much as possible. This is because it is difficult to teach her a lesson by giving her a fine... Those who do not have evil nature can be given an admonition as punishment. On the other the other hand, those who have a bad attitude or who are repeat offenders should be given an austere punishment by doubling the length of detention. In so doing, the police retain their dignity while the offender can be given a chance to repent for what she's done. Thus education can result from punishment (Zhang Wenjun 1960: 8).

There are two points to be made here. First, the severity of penalty is graduated according to the offender's personality, aptitude and attitude - attributes which cannot be known without observation and verification. It follows that the police offender's sexual history will come to determine her 'nature' (and consequently the severity of punishment imposed on her). Secondly, the 'sage-king' style of benevolence and moral hierarchy¹⁶ is, in Zhang's formulation, built into the economy of justice delivered within the purview of the Police Offence Law. The police officer's assumption of the morally superior subject-speaking position as a social educator makes it possible for him to act benevolently towards the prostitute when punishing her. The prostitute is expected to be ashamed of her sexual misconduct, a sense of shame which sustains the patriarchal sexual order that the police help buttress.

¹⁶ See note 4.

However, this style of benevolent justice meets its limitations when the prostitute refuses to play the game. And the only way for the police officer to save face confronted by a prostitute ‘with a bad attitude’ (refusal to be patronised, perhaps?) is, as Zhang Wenjun made clear, to impose a severe penalty, in order to teach her a lesson. The education of women prostitutes resides in punishment indeed.

The above discussion shows that the KMT government’s welfare policies for women prostitutes amounted nothing more than political hot air, demonstrating in addition how a woman prostitute was made subject to the patriarchal sexual order sustained by the Police Offence Law. However, in order to mark out her subjugation within the national culture in postwar Taiwan, one must further situate her labour within the general economy of the sex market. Regulated and administered by the police/state, this market consisted not only of licensed brothels but also leisure/pleasure businesses including hotels, wine houses and tea rooms and, since 1958, dance halls.¹⁷ As Taiwan’s capitalist economy began to take off, the 1960s saw a sudden explosion of leisure/pleasure businesses including the sex industry.

From Certain Type of Businesses to Particular Type of Businesses

In 1962, the KMT government promulgated the Commerce Registration Procedures, which divided businesses into four categories. The first two categories must register with the Department of Commerce Trade and the Tax Authority within the local government. They are relatively unregulated businesses which any individual can set up and run. The third category refers to businesses which must obtain a permit from the local police authority within the local government (because of their greater potential to disrupt social order), while category four requires special permits from the Trade and Industry Department of the central government. This policy in turn gave rise to the promulgation of the ‘Regulatory Procedures for Particular Businesses in the Province of Taiwan’ in 1962, enlisting the following nine categories of particular businesses to be governed by local police: 1) cinemas/theatres; 2) hotels; 3) wine houses, bars, tea rooms, coffee houses; 4) amusement parks; 5) firework factories; 6) old furniture depositories; 7) employment agencies; 8) bicycle maintenance shops and bicycle parking businesses; 9) stamp making businesses (Wang 1969: 119).¹⁸ What was loosely referred to in the 1950s within police administration as ‘certain type of businesses’ were now formally named and regulated as ‘particular type of businesses’ (PTB).

What unifies the establishments of wine house, bar, tea room and coffee house is the hostess culture. Under the purview of this regulation, these businesses were allowed to hire hostesses (even though ‘hostesses’ continued to be referred to as ‘waitresses’ in official terms): employers were required to have their hostesses registered with the local police authority on the day they were employed.¹⁹ While legalising the hostess

¹⁷ See below for the licensing of the dance hall business.

¹⁸ Furniture depositories were thought to be the places where pornography and stolen goods were stored. Employment agencies were thought to introduce ‘innocent’ country girls in to the sex businesses (category three, see below) in the cities; bicycle transport was the main form of transport in 1960s Taiwan. As for the last category, stamps are important part of daily life for banking (people often used stamps rather than signature).

¹⁹ For the purpose of police administration, the employers were also required to have all their

profession, the regulation also made clear that category three businesses, along with the hotels of category two, were strictly prohibited from covertly running the 'prostitution/sex business' (*yinye*): the regulation of PTB imposed an injunction upon these leisure/pleasure establishments with reference to the many forms of sexual misbehaviour (such as procuring, prostitution, indecent/dissolute mannerism etc.) codified in the Police Offence Law.

According to *A Study on the Problems of Offences Against Morale in Taiwan*, the total number of wine houses increased by ten percent between 1962 and 1966 (from 530 to 583); that of bars increased by ninety three percent (from 64 to 124); that of tea rooms increased by seven percent (from 701 to 756); that of coffee house by one hundred and twenty nine percent (from 92 to 211). Meanwhile, the total number of wine house hostesses in 1966 was 2.02 times more than in 1962 (from 4,459 to 9,032): bar hostesses 3.45 times (from 607 to 2,105); tea room hostesses 1.8 times (from 2,862 to 5,156), coffee house hostesses 5.01 times (from 582 to 2,917). The total number of hostesses in 1966 was 2.25 times more than in 1962 (from 8,520 to 19,210) (Sifaxingzhengbu fanzuiwenti yanjiuzhongxin 1967: 15 -16).

Of particular interest and significance here is the emergence of and sharp increase in the number of coffee house and bar establishments within a leisure/pleasure business previously dominated by traditional establishments from the Japanese colonial period such as wine houses and tea rooms. Two important socio-economic factors brought about the transformation of the sex market in Taiwan in the early 1960s. Prior to 1950 Taiwan was mainly an agrarian society, relying on sugar and rice as its main export products. But under the KMT government's economic policy, known as 'cultivating industry on the basis of agriculture, using industry to develop agriculture', Taiwan quickly became an industrial country, with the total output value of industry outnumbering that of agriculture in 1963 (Chen and Zhu 1987: 107). This speedy industrialising process in turn gave rise to rapid urbanisation. Between 1947 and 1966, the total population in Taipei virtually quadrupled (from 306,646 to 1,174,883) as did that of Kaohsiung (from 170,604 to 630,660) (O'Hara 1973: 270). The huge influx of a young employable population into Taiwan's largest cities presented an invaluable opportunity for the leisure/pleasure businesses which grew within the expanding capitalist system.²⁰ The sharp rise of the coffee house subculture in cities like Taipei was a case in point. Similar to the traditional tea room in its function but with a trendy feel, the coffee house - nicknamed as 'pitch-dark coffee house' - catered for the fast growing population of lower-middle class young males. Its great appeal resided in the unconventional interior decor designed to create more 'privacy' within public space: small booths, high-backed seats, potted trees, dim lighting (Zhang 1962: 10-11). The proliferation of the coffee house establishment in the early 1960s also created many job opportunities for (mostly) working class women, who could earn, according to the aforementioned governmental survey, four to five times more as coffee house hostesses than as factory workers (Sifaxingzhengbu fanzuiwenti yanjiuzhongxin, 1967: 131-147).²¹

employees registered. The regulation specifically prohibited staff (such as cashiers and actual waitresses) in these businesses from accompanying their (male) customers.

²⁰ I am indebted to Ho (1996) on this point.

²¹ It must be noted that the working environment in factories in this period was, as Jiang Xun's (1987) vulgar Marxist analysis of the sex industry in Taiwan points out, extremely poor.

The increase in bars was directly linked to the American contingent in Taiwan during the Cold War era. Following the enactment of the Mutual Defence Treaty in 1954, two US army bases were founded in Taiwan and the number of American military staff and officials on the island had by 1957 reached five thousand (Ke 1991: 206). The bar business was spawned to cater for the American military population in Taiwan. In fact, the American contingent not only gave rise to the bar business, but also to the dance hall business which had up to 1958 been banned by the KMT government. To accommodate demands from the US government, the KMT government partially lifted its ban on dancing and the dance hall business by promulgating 'the Regulatory Procedures on Dance Hall in the Province of Taiwan During the Period of Mobilisation Against Rebellion' in 1958.²² Directly licensed by the provincial government (rather than the local police) and heavily taxed, the dance hall business was permitted to hire 'dance girls' (who were required, like licensed prostitutes, to obtain permits from the local police) whose role was to accompany customers.²³

The biggest impact of American pressure on the leisure/pleasure business in Taiwan occurred at the height of the Vietnam War when the 'Rest and Relaxation Centre' was founded by the US government in Taipei in 1965²⁴: roughly 200,000 GIs took leave in Taiwan between 1965 -1970 while yet another 200,000 were received by the Centre between 1970 and 1971. If every GI spent five thousand US dollars of his twelve thousand annual salary in Taiwan, the journalist Zhong Junshen once speculated, the influx of American GIs between 1970 and 1971 alone would have had brought into Taiwan the fortune of one trillion US dollars (Zhong 1988: 73). While this estimated figure may not be totally reliable, it is indisputable that Taiwan's sex industry became even more prosperous with the influx of the American capital during the Vietnam war.²⁵ Significantly, after the departure of the Americans, came a new influx of Japanese sex tourists in the early 1970s.

²² Under the provision of this regulation, the dance hall business was initially restricted to serve foreigners and the oversee Chinese. In addition, the regulation also imposed a number of 'principles' regarding dancing. For instance, non-commercial family dance parties and charity balls were permitted while the teaching of anything other than traditional folk/ethnic dance and ballet was strictly forbidden. See Qin (1960).

²³ To foster its burgeoning tourist industry the early 1960s, the KMT government further allowed a limited number of night clubs to be opened. Night club differs from dance hall in that it could not hire dance girls/taxi dancers. The dance hall and night club businesses were both regulated under the 'Dance Hall/Night Club Regulatory Procedures in the Province of Taiwan' promulgated in 1967.

²⁴ It is of particular interest here to note that upon the request of the US government, Taipei GU Clinic, Taiwan's first medical institution specialised in the prevention and treatment of venereal diseases, was set up in 1969. For the history of this GU clinic, see Chen (1992).

²⁵ That the leisure business/sex industry was seen by the KMT government as the pillar of the flourishing tourist economy can be shown by an editorial entitled, 'A Social Activity with an Educational Purpose', from the *National Evening News*. Reporting that the Taipei police authority was about to summon those in the PTB such as hotels, dance halls, night clubs, wine houses, tea rooms, bars and (licensed) brothels to attend a series of public lectures on 'The Honour of Nation and its Security', 'Social and Public Order', 'Social Progress and Development', the newspaper lauded the authority, arguing that the nation's image in the international community could be greatly enhanced through the education of those in the front line of the tourist industry (*National Evening News* 1965).

It was these two historical forces - Taiwan's rapid industrialisation/urbanisation and the state's (tacit) promotion of (sex) tourism - that overdetermined the rapid expansion of category three of PTB (including dance hall/night club businesses) in the 1960s in Taiwan. The rapid growth of legal leisure/pleasure businesses in this period, however, was only half the story. Shortly after the promulgation of the Regulatory Procedures for Particular Business in the Province of Taiwan in 1962, a host of new establishments in the pleasure businesses arose, businesses that were registered by law as of 'ordinary type' but skewed from their original purpose. Either as hybridised forms of category three PTB or as newly formed businesses, these new establishments proliferated all over Taiwan, particularly in urban areas. Described characteristically in the Chinese idiomatic expression as 'advertising with the head of goat while covertly selling dog meat', they include the following establishments:

1. 'Tea-and-Only-Tea' cafés: This establishment was a hybrid of coffee house and tea room (of category three PTB). Serving non-alcoholic beverages, it had all the functions of coffee house and tea room except that it could not hire hostesses. The name 'tea-and-only-tea' was coined originally to distinguish both from the 'pitch-black' coffee house and the 'yellow' tea room (a colour which signifies locally the obscene and lasciviousness). Equipped with so-called 'love seats', the air-conditioned 'tea-and-only-tea' cafés proved to be enormously popular among young people (Huang 1971). However, after prostitution was found in these cafés, the establishment had, by the late 1960s, been identified by the police authority as a sex trade place: the tea it purports to serve, as one newspaper editorial aptly characterised it, 'has turned sour' (*Great Chinese Evening News* 1968).
2. All types of bathhouses including Turkish baths, Shanghai baths, Saunas and even family-style baths (Liu 1973: 13). These establishments offered the so-called 'mandarin duck water-frolics bath' service: male customers could be accompanied by women in having a bath. This kind of leisure business appeared to be the covert version of the licensed prostitution in the *Beito* area, a hot-spring tourist resort in suburban Taipei.²⁶
3. Osteopathic/massage parlours: this establishment 'perverted' the conventional massage service, offering instead 'sexual therapy' (*China Evening News* 1969). It is worth noting that only the blind people were allowed by the government to work legally as masseurs in the 1960s.
4. Tourist guide agencies and craft shops: because of Taiwan's rapid development of the tourist industry, there emerged many tourist guide agencies and craft shops. In some instances, customers purchasing items of a certain value or more were allowed to leave with one of the shop attendants (Huang 1971).

²⁶ Licensed prostitutes in the *Beito* red light district were regulated in accordance with the government's licensing procedure specially made for this hot-spring resort. Within the purview of this special regulation made in 1951, licensed prostitutes could not ply their trade in the brothels which accommodated them but were 'delivered' upon request, to hotels in this district equipped with hot-spring baths. They normally accompanied their customers taking a hot-spring bath first before going on to have sexual intercourse with them (Lin 1997: 113). This special institution was abolished in 1979.

5. Wine bars: these establishments appeared to be the covert type of bar business (of the PTB). They had exactly the same function as the bar except that they could not hire bar girls/hostesses. Because the KMT government stopped licensing category three PTB from 1968 onwards (see below), wine bar businesses began to proliferate particularly during the Vietnam War (Hong 1973: 34-35).
6. Catering businesses such as restaurants, ice/fruit juice parlours: any catering businesses using their women staff as hostesses would become illegal category three PTB. Of particular interest here is the proliferation of 'yellow restaurants' or, as they were aptly called 'Restaurants without Kitchens' in Taipei in the late 1960s and early 1970s (*China Time* 1971). Again, because no more category three PTB licenses were issued from 1968 onwards, the only way to enter into the (sex) business was to form covert PTB by means of registering a normal non-PTB.
7. Underground dance hall/night clubs: due to the high license fees imposed on official/legal dance halls/night clubs, young people were priced out of the market. Since demand outstripped supply, it became economically attractive for PTB and non-PTB to diversify into this business by allowing their business premises to be used as dance halls/night clubs (Chen 1968).
8. Apartment rooms for sex: a non-registered hotel whose primary purpose was the provision of rooms for sex trade. This was due to the rapid transformation of the urban landscape in cities like Taipei (*National Evening News* 1969).
9. Tourist barber shops: luxuriously decorated salons designed to attract tourists, offering more than just a haircut, with the additional options of massage in a private space (often leading to sex). Massage parlours were often transformed into this kind of establishment (Hong 1973).

Despite their diverse nature, the commodity all these businesses had in common was the provision, in one form or another, of sex. In addition, cinemas and theatres (also regulated as category one of PTB) across Taiwan (especially in the countryside and small towns) introduced a new form of entertainment, erotic dancing, in order to maintain a competitive edge over television, introduced in the 1960s.²⁷

By the mid 1960s, the erotic cultures stimulated by this burgeoning sex industry had become so flourishing that the national culture predicated upon Confucian morality was perceived to be in great crisis. The late 1960s saw a number of new policing schemes and moral reform programmes implemented one after another by the KMT government in its attempt to police the crisis.

²⁷ Strip shows would often be staged in the middle of film screening in the cinema. See Cui (1968) for a police account of the difficulty in policing this particular type of business as they could never predict when the strippers would go on to perform.

Defending Society From the Tidal Wave of Sex: Chiang Kai-shek's Social/Moral Reforms

As 1966 began, a new era of sexual control dawned in Taiwan. The newspapers were excited about the new year's prospects as the government introduced new policing guidelines aimed at tightening control over sex businesses. 'If we are brave enough to face the reality,' the *Evening Independent* reminded its readers in an editorial entitled 'Do Not Support the Yellow Businesses', 'we would be shocked to realise the extent to which this poisoned yellow tide has already risen in recent years.' The editorial went on to depict a society in grave danger of depravity:

Obscene strip shows are everywhere, particularly in small towns and in less populated countrysides...Any performance, if not spiced up with a bit of yellow, would not appeal to the audience...In the cities, the number of night clubs, dance halls, wine houses, 'pitch-black' coffee houses are increasing rapidly day by day. These places all aim to make huge profits out of selling sex. In particular, the greatest development of all sex trade businesses in recent years has been the 'pitch-black' coffee houses ...There is a new pitch black coffee house every few yards in Taipei, with the business developing faster than any other businesses. Every type of immoral behaviour and shameless deed detrimental to virtuous custom is publicly performed under the cover of darkness in those tiny rooms. Countless young men and women who are not mature enough - even including many college and high school students - are being deprived by this type of sex-trade places. What is even more serious/worrying is that this type of place often attracts women of respectable families or runaway teddy girls, encouraging them onto the slippery slope...(*Evening Independent* 1966).

The new police guidelines included a 'three-strikes-and-you-are-out' penalty scheme made in accordance with the PTB regulations and the Police Offence Law: the first offence was punished by detention, a second offence was met with more severe punishment (suspending the business for ten days), with a further transgression resulting in the loss of the business licence. In addition, there was a strict dress and performance code and a decor code for tea rooms and coffee houses.²⁸ The implementation of these guidelines prompted owners of PTB to lobby their deputies, protesting that as they were already legally registered, they were breaking no law and that the real villains were the covert sex trade businesses. They also lobbied for a relaxation in the day-to-day procedures in, for example, the time it took to register new hostesses. The press reacted to this lobbying activity with incredulity, outraged that the deputies should prioritise and represent the interests of those in immoral sex businesses and that the latter should be so desperate to sell sex that they could not meet even minimum legal requirements.²⁹

²⁸ Dancers were prohibited from wearing Bikini swimwear, showing breasts and buttocks in their naked display and acting out any sexually suggestive performance. With regard to the decor of tea rooms and coffee houses, standardised lighting no less than five 5W light bulbs per 5m²; only one single switch allowed; no screen or other object allowed to block off vision; small rooms cannot be built within; staff bedrooms should be segregated; couches no more than 110cm above the ground, arm chair no more than 75cm. See Sifaxingzhengbu fanzuiwenti yanjiuzhongxin (1967: 21-26).

²⁹ See for instance (*Evening Independent* 1966); He (1966).

Further state interventions in the sex businesses followed in 1967, which saw the revision of the 1962 PTB Regulatory Procedures. Added to the existing regulatory codes were 1) a minimum age for women staff of 18 and a requirement that those hostesses between the ages of 18 and 20 obtain their guardians' or husbands' permission; 2) no new category three businesses were allowed to be opened in the vicinity of schools, hospitals, temples, churches, convents, and the residential districts as defined by urban planning (within a distance of a two hundred square meters); 3) those with a criminal record (particularly of sex offences) or a spouse with a criminal record were no longer allowed to run category three businesses (Sifaxingzhengbu fanzuiwenti yanjiuzhongxin 1967: 178-182). Of particular significance here are the first two sets of new restrictions imposed on the PTB. First, the introduction of new age restrictions made it more difficult for teenage girls to work legally in pleasure/leisure businesses. Secondly, the new restriction on the location of category three PTB was the state's first systematic attempt in postwar Taiwan to zone sex out of the sight of respectable institutions.

At the end of 1967 there occurred an important incident whose discursive effects were to deepen the perceived crisis of national culture. An article entitled 'Rest and Recuperation for America's Fighting Men', featuring a photo of two Taiwanese women accompanying an American GI taking a bath in hotel in the *Beito* red light district, appeared in the 22 December 1967 issue of the US *Time* magazine.³⁰ Although the services provided in the *Beito* red light district were no secret, the nation was nonetheless shocked by this revelation. Expressing moral outrage, the press saw this exposure to the world of *Beito* prostitution culture as shaming a nation predicated upon Confucian propriety and morality. Responding to public moral outcry, the police managed to track down Yu Reiqing, one of the women prostitutes in the photo, and charged her with offending public decency under the criminal law (He 1968). Their argument that a hotel room constituted a public space was to have serious implications for what constituted privacy for the population in general and prostitutes in particular, an issue which I shall return shortly. They were able to track down Yu because she was a licensed prostitute. Most importantly, what she had done was completely legal and the judge disallowed the case (*Taiwan Daily* 1968). But throughout the late 1960 and early 1970s, the *Time* picture event continued to be cited by the press as evidence of national shame.³¹

In the immediate aftermath of the publication of the *Time* article, Chiang Kai-shek presided over the Sixth Annual Meeting of National Security held on Jan 9, 1968, laying down guidelines for social reform which aimed to 'get rid off the decadent trend affecting the national citizens, to reinforce the spiritual mobilisation and to cultivate the shapeless/invisible form of the war/military power' (Chiang cited in Wang 1969: 190). Of the eight points mapped out in these guidelines, six pertained to the call for a lawful and ordered society in general, outlawing the sexual immoral in particular, with the other two relating to the promotion of legitimate entertainment and the establishment of modern moral guidelines for citizens' conduct in daily life. Significantly, these guidelines were taken by the government as constituting an important part of its Cultural Renaissance Movement, a national campaign launched

³⁰ For a detailed account of this event and analysis of the *Time* magazine article, see Yin (2000: 193-195).

³¹ See for instance (*Evening Independent* 1971b).

in 1966 to counteract Mao Zetong's Cultural Revolution which aimed at revitalising the Confucian ethic, namely, the moral tradition of the sage-king.

Tougher stance on the regulation of prostitution and sex businesses soon ensued. Following Chiang's social reform guidelines, the KMT government devised in 1968 regulatory policies such as: 1) stopping licensing category three PTB, brothels and dance hall/night clubs (with the exception of international tourist hotels); 2) making category three businesses licenses non-transferable and imposing heavier tax and licensing fees; 3) regulating the non-PTB such as PTB; 4) thoroughly inspecting the leisure/pleasure businesses, PTB and non PTB alike, and strictly outlawing practices such as employers directing prostitutes and wine house hostesses to go to airports or train stations to receive and solicit tourists; 5) strictly outlawing pornography and obscene publications; 6) prohibiting government employees, such as the military, civil servants and school teachers as well as the student population, from entering leisure/pleasure businesses (Yu, [date unspecified]³² : 23-26). Of particular significance here is point 6, which gave rise to the promulgation of 'the Prohibiting Civil Servants From Loitering and Gambling Regulatory Procedures' in 1968 and the 'Prohibiting Juveniles From Entering the Places That Impair Body and Mind Regulatory Procedures' in 1970. The implementation of both sets of procedures can be seen as the KMT government's attempt to further regulate the private lives of the two populations over which it had most direct control, that is, the civil servant and the student populations. By prohibiting members of these two groups from frequenting the sex places, both regulatory procedures had the general effect of stratifying the citizenry into moral and immoral populations, with those in sex businesses being further stigmatised.³³

To implement these new regulatory measurements, Lo Yangbian, the newly appointed head of the police authority (with a name literally spelt out as 'wielding the whip'), issued a note to his subordinates which attempted to clarify what ought to be regulated:

We must give a strict definition to the police's task in enforcing the moral order. This refers to blocking the inundation of sex **in society**. In other words, **with regard to sex which occurs outside society such as family and marital sex, it is not within the police's remit to regulate this** (Lo, cited in Yu [date unspecified]: 22, emphasis added).

³² This source, which was pedagogical material on police administration for police officers, did not give the date of publication. Judging from the content, it was probably published around 1972 and 1973.

³³ With regard to the first set of regulatory procedures concerning the conduct of civil servants, a disciplinary penalty scheme was introduced to punish those loitering in immoral public spaces (*Business Daily* 1968). With regard to the second set of regulatory procedures concerning the sexual conduct of juveniles, students and youths under the age of twenty were all prohibited from going to immoral spaces. To reinforce parental tutelage, the regulation also included a naming and shaming penalty for those who were negligent of their parental duties (Xu 1972: 7-9). It should be pointed out here that the civil servant population constituted a class of its own under the wing of the KMT government, which rewarded the loyalty of its employees with welfare schemes (such as a 18% interest rate for pensions) unavailable to the rest of the population. **Importantly, they were further prohibited from marrying prostitutes and ex-prostitutes (who were qualified as 'women of respectable families' under the definition given by the judicial system)**. On the last point, see (Peng, 1968: 12).

I have tried to preserve the flavour of Lo's remark in my translation, for his articulation of the kind of sex that needs to be policed is at once peculiar and specific. It is peculiar in that 'society' in this formulation appears to be a distinct entity demarcated from the institutions of family and marriage it encompasses. And yet it is specific in that it designates the type of sex performed beyond the boundary of family and marriage as being that which must be outlawed. In other words, non-marital sex and sex performed in the public domain must be strictly regulated for the greater good of the virtuous national citizen population.³⁴

Two articles from a collection published by the *Police Torchlight* magazine on May 1, 1971, in which various officers exchange their own experiences, offer us a glimpse into the policing technology of sex in this period. The first article, written by Chen Wenfu, concerns the techniques of investigation:

Prostitutes, waitresses [hostesses] or call girls are all pitiable worms forced into prostitution. Abused and oppressed by madams and bullies, they dare not confess to the police. Therefore, one should follow these procedures:

- 1) interrogating the suspects separately: this is to prevent collusion.
- 2) interrogating the punter first: if he does not confess, then one should warn him that his family and employers will be informed. Then one can use this confession to question the prostitute so she will not be able to deny it.
- 3) interrogating the prostitute: one should try to speak as sympathetically as possible in order to find out about forced prostitution and human trafficking.
- 4) getting all the details absolutely correct in order to avoid inaccuracies being used as grounds for appeal (Chen 1971: 15).

Here a frank remark made by Wang Qinyu, a chief police officer stationed in Taipei, in a round table discussion on the prostitution problem in Taipei, should be sufficient to expose Chen's 'benevolent violence' and his presumption of the universalised victimhood of women in the sex industry: 'according to the prostitution cases we have dealt with, there were very few cases where women of respectable families were forced into prostitution; additionally there are few cases where women fall into prostitution because of poverty...most of them fall into prostitution because of vanity.' (*Taipeishi fenghuawenti zuotanhui jilu* 1973: 54) The second article, written by Chen Guanhua, reminds its readers (the police) that, because some hostesses think it is safer to take their customers home or to hotels rather than to have sex in their workplace, the police should take the opportunity of conducting a census, finding out where hostesses live in order to raid their homes (Chen 1971: 22). The policing of prostitutes and hostesses, in actual fact, turned out to be a witch hunt.

The intensified police operation of the late 1960s, ostensibly to defend society from the inundation of sex, led to an increased surveillance over erotic practices in public spaces. Under this new regime of police control, young heterosexual couples canoodling in the 'Tea-and-only-tea' cafés (*United Daily* 1968b), hostesses kissing good-bye to American GIs returning to Vietnam (Weiyuan 1968), young men lying on

³⁴ C.f (Foucault 1990: 23-26).

sofas in the coffee houses (*Economic Daily* 1968), ‘nurses’ wearing no underwear giving massages to customers in osteopathic parlours (*United Daily* 1968a; *National Evening News* 1968), people watching licentious dance performances or pornography (*Central Daily* Sept 1968), owners of hotel rooms hanging pictures of nude women (*Young Soldier Daily* 1969), were all punished by the police and given penalties that varied from a fine to a seven-day detention for offending virtuous custom. The *Public Daily* even published a photo of a police operation rehearsal whereby a coffee house hostess and her patron displaying ‘obscene facial expressions’ were outlawed by the police (Decai 1970). Of particular significance here is the police citation of item 11 of article 54 (disobeying government regulations of commerce and business) and item 1 of article 64 (misdemeanour) of the Police Offence Law. The former allowed the police to shut down any business either temporarily or permanently if it was found to infringe the existing regulations for commerce while the latter enabled the police to punish individual sexual misconduct. With their connotative power, both codes served as the most expedient tool for the political management of space and sex.³⁵

A government that felt sufficiently under threat to place such onerous obligations on the ‘first division’ citizens of the sage kingdom (civil servants, police, teachers etc.) would go to extraordinary lengths to define and police sex outside of marriage. Over the years, by exercising ‘unannounced inspection’, the police could enter rooms in any hotel on the grounds of suppressing sex trade or gambling. These powers were challenged whenever large-scale raids took place. Whether the police had the right to disregard personal privacy rights and whether the hotel room constituted itself a public space were always contentious issues. According to the Police Offence Law in regard to the regulation of gambling and nudity and so-called ‘dissolute mannerisms’, public space was defined as: either outdoor space or places accessible to the public. That the hotel belongs to the latter category seems without question. The controversy was whether the hotel room became private space once rented.

In the 1960s, so many heterosexual couples, especially un-married ones, were reported to have been harassed or even arrested that the policing of hotel rooms became huge public concern. In one case, a girl, who had been caught spending a night with her fiancée in a hotel and consequently been mistaken as a prostitute by the police, was so ashamed of herself that she later committed suicide (Zong 1966). Nonetheless, when rights to privacy were cited in order to question such policing, the real issue was side-stepped. Liberals asserted that the intimate conduct of unmarried young couples in hotel rooms should not be conflated with sleaze or sexual immorality. Provided that they did not have sex in public - on the street or in the park - young couples should not be arrested in hotel rooms, *unless*, the liberals conceded,

³⁵ According to Xie Reizhi, a police scholar and former principal of the Central Police Officer College, item 1 of article 64 has been cited to punish the following modes of sexual misbehaviour: ‘watching pornography’, ‘three men and one woman sleeping in one bed’, ‘(men) wearing long hair’, ‘procuring in front of illicit brothels’, ‘young girl taking a bath with a number of men while she should have been at home in the evening’, ‘loitering at night with aphrodisiacs’, ‘male customers having hired prostitutes stripping at table to accompany them drinking’, ‘waitresses accompanying customers drinking in ordinary restaurant (non-PTB business)’, ‘male customers canoodling with waitresses in the rooms within restaurants’, ‘bakery shop (women) attendants accompanying customers drinking’, ‘ice parlour waitresses playing poker with customers at the cash register’ (Xie 1979: 19-20).

the woman turns out to be an unlicensed prostitute.³⁶ But this opposition to prostitution was the key issue in government policy. Debates over whether hotel rooms belonged to ‘public space’ were only meaningful in terms of legal prosecutions for ‘public indecency’. And yet because the criminal offence of ‘public indecency’ had not been so much about places accessible to the public as about the degree to which the behaviour in question was visible,³⁷ hotel rooms inspection was not directed at public indecency but rather at prostitution. Laborious attempts to draw the line between the public and private were futile in the face of the Police Offence Law as far as sex was concerned.

Strangely, the one area where police action was deemed too harsh was where couples were woken up, usually at some early hour in the morning, to be questioned about the nature of their relationship and the woman accused of prostitution. What if they were young couples in love and intending to marry? asked the press. Responding to such complaints, the police promised to modify their raiding techniques but actually made few changes. Nevertheless, the press’s criticism of such a policy was mild.³⁸ Complaining about ‘the obstacle unknown to the outsiders’ when it came to policing sex, the police officer Mu Ming once noted:

If the hotel colludes with the girl in the immoral businesses and with her customer in denying procurement, and the unlicensed prostitute also denies the intent to make profits when being interrogated, how is it to be proven that trade has taken place? (Mu 1974: 40)

Here, the term ‘unlicensed prostitute’ should be called into question, since it indicates the presumption of guilt. This presumption is manifestly shown in the description of the operation of the Police Offence Law given by the same author:

According to an administrative order given by the authority, even if the unlicensed prostitute only solicits, she still could be punished by item 1 of article 64 of the Police Offence Law, that is, misdemeanour. And as long as hotels are found to harbour or retain unlicensed prostitutes, even without intent to make profits, they automatically offend the police. This policing order has often been overlooked by the police (40).

This reminder is telling in two ways. First, we see that ‘misdemeanour’ is the charge for those *thought* to be trading sex. Second, by making those running hotels or other places of public business responsible for permitting commercial sex, the law encourages them to spy on customers. By taking the provision of ‘the intent to profit’ away, the Police Offence Law effectively co-opts hoteliers into the policing system.

The press played a crucial role in the incitement of public fear of commercial sex. Figuring commercial sex in terms of disease such as ‘cancer’ (*Evening Independent* 1971b), ‘tumour’ (*National Evening News* 1970a), ‘epidemic’ (*China Times* 1971), or

³⁶ See for instance Lin (1974).

³⁷ See Liu (1994: 595-598).

³⁸ On the press’s mild criticism of the police’s practice of hotel room checking, see Ximenboshi (1968); (*Business Daily* 1969); (*United Daily* 1969).

as a natural disaster like ‘flood’ or ‘tidal wave’, it constantly urged the government to take the inundation of commercial sex more seriously, calling on the police to further curtail more on the sex businesses. Indeed, in an authoritarian state where freedom of speech was highly restricted, the domain of sexual morality remained the one area where the press was uncharacteristically critical about government actions. This is most clearly illustrated by the press response to the government’s hesitation in abolishing licensed brothels in the late 1960s and to its incompetence in dealing with the ‘restaurants without kitchens’ which proliferated in downtown Taipei in the early 1970s. In the first case, the press fully exposed the contradiction that lay at the heart of the government’s policy on prostitution: vowing to outlaw any immoral activities, the government nevertheless continued to allow licensed brothels to exist. The *Evening Independent*, for instance, challenged in several editorials the rationale that sought to justify the existence of licensed prostitution. The institution of licensed prostitution, the paper argued, not only failed to curb the rampancy of illicit prostitution (which was its original purpose) but also implicitly helped promote the incorrect notion of ‘[people these days] laughing at the poor rather than at prostitutes’, a traditional Chinese idiom (used here by the rising middle class) for lamenting the decline of sexual morality. Abolishing the institution of licensed brothels was the least the government could do, the paper maintained, in preventing the tidal wave of sex from overwhelming society.³⁹ Similarly, the *Taiwan Daily* argued in two editorials that licensed prostitution, by virtue of its legal existence, not only washed away the sense of shame necessary to the cultivation of respectability but also gave rise to more illicit prostitutes.⁴⁰ Interestingly, while the government did come up with various welfare proposals, such as setting up introduction agencies to assist licensed prostitutes to get married, they could not even convince themselves that such proposals would work. ‘What if those prostitutes, unable to get rid of their bad habits in such a short time, take advantage of the introduction agency and use it to continue to ply their trade?’ An official was reported to express such a doubt (Fan 1968). Another reason that deterred the government from abolishing licensed prostitution was, according to the same report, that the government would have to abolish the institution of Military Paradise, which would mean the abolition of a welfare policy, in operation for the previous two decades, for its military population. In the end, the government got around this difficult question by amending in 1973 its regulation for licensed prostitution: while the licensing of new brothels was frozen, the existing licenses were made non-transferrable, non-amendable, and non-inheritable (Yu [date unspecified]: 42). This meant in effect that the number of licensed brothels would gradually be reduced to zero in years to come.⁴¹

With regard to the proliferation of ‘restaurants without kitchens’ in the early 1970s, the press forcefully expressed their disbelief and anger that the government should be turning a blind eye to such an extraordinary phenomenon: according to the *China Times*, two hundred restaurants without kitchens emerged in the Zhongshan North Road (where most established international tourist hotels in the 1970s were situated) within the space of two years (*China Time* 1971).⁴² It blamed the government for

³⁹ See (*Evening Independent* 1968a; 1968b; 1968c).

⁴⁰ See (*Taiwan Daily* 1968b; 1968c).

⁴¹ As this new regulation did not undergo any further revision after 1973, licensed brothels will totally disappear in a few years in Taiwan.

⁴² On the changing landscape of this particular road and its significance in relation to the formation of sexual subjectivities and nationalism in postwar Taiwan, see Yin (2000).

leaving gaps in its regulatory policies, such that evil businessmen could make ludicrous profits out of selling sex, holding the Construction Bureau of the Taipei city government (which was the governing authority for licensing the non-PTB and the police authority (which has the duty to inspect any business suspected of selling sex) accountable for negligence and lack of co-ordination.⁴³

The proliferation of 'restaurants without kitchens' and the regulatory problems to which they gave rise point to a new development in the sex market in the early 1970s. While the police considered the closing down of nearly one third of category three PTB by 1973 quite a remarkable achievement, they were also forced to acknowledge the fact that society continued to be plagued by sex, as a host of ordinary businesses - restaurants, osteopathic parlours, barber shops, ice parlours, and wine bars - had covertly 'metamorphosed' and taken over the sex market previously dominated by category three businesses (Liu 1973: 15). Indeed, the government's tougher stance on category three PTB was counter-productive in that it drove most of the sex businesses underground. While the police could certainly cite item 11 of article 54 (disobeying government's regulations of commerce and business) to shut down those sex places masquerading as ordinary businesses, the businessmen/women could always apply for another license in somebody else's name. Even though several sets of new regulations such as the standard of equipment for catering businesses (for instance, the size of the kitchen)⁴⁴ were introduced in 1974, sex businesses continued to develop under such names as 'health centres' and 'beauty parlours'. The mapping of the terrain of the policed culture of sex in Taiwan can thus be aptly characterised as the outcome of de-territorialisation and re-territorialisation. Or to put it in a traditional Chinese idiom that was widely used by the press and the police in the late 1960s and early 1970s in waging war against the ever transfiguring sex: 'when the good wield a two foot wand, the devil always counters with a bigger one'. Here, the configuration of commercial sex offered by the criminologist/senior police officer Xu Shenxi in an article entitled 'On the Investigation of the Commercial Sex Cases', typically summarises what it means for the sage-king state in the late 1970s. Noting that economic affluence has given rise to further development of the sex market, he identifies the following four characteristics of the new trend:

First, the varieties of commercial sex have become even greater. It renews itself all the time, which makes one feel constantly under threat. Secondly, the commercial sex places are no longer confined to brothels or wine houses: they have extended its territories to hotels, hostels, shops, barbershops, bathhouses, apartments, with its modernised and luxurious facilities. Third, those who sell sex are not confined to women anymore; men are also found to be selling it. What's more alarming is that the education standard of call-girls has become higher. One even finds college students doing it. Obviously the population of those engaging in the business has become even larger. Fourthly, those women falling into and getting stuck in the swamp of prostitution have sunk so deeper that they cannot help themselves out (Xu 1979: 84).

⁴³ See (*China Times* 1971); (*Evening Independent* 1971a; 1971b; 1973).

⁴⁴ On this new regulation, see (Ding 1994, 172-174).

Taiwanese society, as it continued to industrialise through the 1970s and 1980s, never stopped being inundated by commercial sex.

The Implicit Police Regulation of Male (Homosexual) Prostitution

In a society deeply preoccupied with the issue of female prostitution, male prostitution had long remained marginal in the official and journalistic discourses. The existence of male prostitution subculture in Taiwan, however, can at least be traced back to the late 1950s and 1960s when a group of cross-dressed/transgender male prostitutes, called by the epithet ‘*renyao*’ (literally ‘human-chimera/human-spectre’), were reported as plying their trade in the brothels and tea rooms in Taipei’s Wanhua red light district.⁴⁵ In addition, the New Park in Taipei – Taiwan’s most infamous male homosexual hang-out, was also known to harbour male prostitution, with the park being once reported as ‘haunted’ by the shadowy figure of *renyao*.⁴⁶ Significantly, the news reports showed that these rent boys were subject to police control,⁴⁷ even though the Police Offence Law did not contain any explicit code that allowed the police to arrest and punish male individuals engaged in prostitution with members of the same sex.

In 1978, when two gay ‘restaurants’⁴⁸ in Taipei were raided by the police, they were reported as ‘hiring effeminate men to accompany men drinking, just like hostesses.’⁴⁹ Significantly, this incidence, which exposed gay bars to the ‘general public’ for the first time, led the criminologist/senior police officer Xu Shenxi to identify in the aforementioned article the emergence of what he calls ‘the glass house (male prostitution)’ [bracket original]⁵⁰ as one of the latest metamorphosed forms of the sex trade businesses (Xu, 1979: 87).

The issue of male prostitution rose to the surface and became highly profiled in the press in the early 1980s, which saw a series of intensified police clean-up operations taking place to root out what was perceived by the state to be the homosexual culture of prostitution. And what prompted this series of crackdowns was because, according to Li Jinzhen, the chief police officer stationed nearby New Park:

The Prime Minister Sun Yunxuan read an article featured in an American magazine reporting: ‘If you men are looking for excitement, please then go to the New Park in Taipei, Taiwan. This place is Taiwan’s male prostitute supply’

⁴⁵ See Yang (1961); Liao (1962); Hu (1985: 67).

⁴⁶ See the (*Public Daily* 1971). Pai Hsien-yung’s *Niezi* or ‘the *Sinful/Unfilial Son*’ (published in 1983 and translated in English as *Crystal Boys*) is a fictional representation of the male prostitution subculture in 1970s New Park. See Pai (1983; 1990). For a discussion of the significance of the novel in relation to contemporary gay politics in contemporary Taiwan, see Huang (forthcoming).

⁴⁷ For the police arrest of a *renyao* at the Wanhua red light district, see (*National Evening News* 1970b; For the policing activities in the New Park, See (*Public Daily* 1971).

⁴⁸ Although they are called ‘restaurants’, these places were in reality run like bars. Because the government stopped licensing the bar business in 1968, obtaining a restaurant licence became the only alternative option.

⁴⁹ See (*Evening Independent* 1978).

⁵⁰ A gangster slang term from the 1960s, ‘glass’ alluded originally to the ‘buttock’ or ‘bottom’ and was circulated throughout the 1970s as an epithet for male homosexuals. By the 1980s, it was firmly established as *the* name for the imagined homosexual community, known as the *boliquan* or the ‘glass clique’.

centre'. As [what was reported in] the article seriously contravened public morality, the Prime Minister himself issued a personal administrative order, demanding that the Taipei police authority root out the problem completely (Li 1981: 96).

News reports of the policing activities in New Park followed. Significantly, they made little or even no distinction between so-called male prostitutes and homosexuals: all male homosexuals were seen and represented as prostitutes.

A special report from the *United Daily* for instance stated that nearly sixty homosexuals had been arrested and punished by the police in New Park in less than a month in 1980, further citing the police as saying:

According to the police's early investigation, apart from New Park, homosexual male prostitutes are also scattered around the Youth Park, the Red Chamber cinema, and the Longshan district...As the police understand it, there used to be only a few homosexuals plying their trade individually...But given their recent increase in numbers, they divide the market into different regions within which they ply their trade as a group.⁵¹

A year later, the *Taiwan Daily* serialised a special report entitled 'The Elegy of Homosexuals' to reveal the rampancy of prostitution in New Park. Featuring the police officer Li Jinzhen, the report notes that over a hundred male homosexuals, charged with the police offence 'misdemeanour', had been detained by the police between February and April of that year. Li himself, described as being 'very experienced in policing homosexuals (male prostitutes)',⁵² explains that male prostitutes fall into three categories, each using its own coded language for sex trade:

- 1) secretive code 'No. 0': this kind of man let other men treat him like a woman, and they usually charge from 600 to 800 NT dollars. Those who play no. 0 are usually young men with delicate features and a fine appearance.
- 2) secretive code 'No. 1': **these men in the homosexual circle play 'the man' and are willing to pay.**
- 3) secretive code 'No. 10': in the homosexual circle, this type of man plays a double role. They can be men but are also willing to act/serve as 'women'. They first play with one another, and then see who invites whom, and the one who is invited gets paid between 200 to 400 NT dollars. This type of homosexual is in the majority.

These people who use different secretive codes have their own characteristics. For instance, those who hold a book, a handbag or newspaper, looking effeminate often serve/act as no. 0. On the other hand, those men who are older and over forty often play no. 1. However, the role they play can only be settled after the price is negotiated (Lin 1981, emphasis added).

⁵¹ See (Li 1980).

⁵² The bracket is used here in the original Chinese text. Here homosexuals and male prostitutes appear to be made synonymous.

What does the word ‘prostitute’ mean here when it refers to those who are willing to pay (as in the case of those categorised as no. 1) or those who don’t necessarily charge (as in the case of those categorised as no. 10)? It is clear that in Li’s formulation all homosexuals are prostitutes.⁵³ The equation of the ‘glass clique’ with prostitution was further accentuated in the final section of this report. Having lauded the police efforts to root out homosexual prostitution culture (predominantly in New Park, but also certain ‘restaurants’ said to be running ‘covert business’ for and by the ‘glass clique’) in recent years, the report nevertheless expressed reservations about the possibility of completely rooting out homosexual prostitution as ‘there are always going to be some who are into that kind of homosexual illicit business and who will find it absolutely impossible to resist that kind of quirky habit (*pi*), thus continuing to come up with all kinds of new tricks, which only makes things difficult for the police’ (Lin 1981).

Li’s revelation of his experience in policing male homosexual/prostitutes to the *Taiwan Daily* is based on his article ‘How to Outlaw Homosexuals-Male Prostitutes [hyphen original]’ published in *the 45th Anniversary of the Central Police College Special Publication* in 1981. In that article, Li makes a distinction between *nanchang* or ‘male prostitute’ and *renyao*:

[Because] *renyao* dress up as women, one can easily recognise their appearance and grotesque mannerism. Further *renyao* all hang out in restaurants or certain public spaces. It is not difficult to entrap them. Apart from their lack of masculinity due to their damaged biological condition which affects the way they walk, male prostitutes are not easily recognisable (Li 1981: 96).

As prostitutes, homosexuals differ from *renyao* in that they are not easily recognisable by appearance, even as Li maintains that one can still tell their identity from their emasculated behaviour caused by presumably their having been sodomised. After several unsuccessful raids in New Park, Li eventually sussed out the secretive codes of ‘No. 0’, ‘No.1’ and ‘No.10’ as used by the clique, thus giving briefings to his subordinates before embarking on the next police operation:

Because it is not easy to find actual instances of *weixie* [indecent or indecent acts] or *jiansu* [carnal relations + sleeping with] behaviour in the park, and because it would not be legal for the police to entice male prostitutes to accompany them to private residences or hotels to wait for a pre-arranged police

⁵³ Of interest here is another report from the *Central Daily* whereby the practice of homosexuality was understood as a mode of prostitution, even if it was figured as an act of sex without payment:

According to the police investigation, there are two types of *tongxinglian* (homosexual/homosexuality). One looks for love while the other for excitement. Trading for the former costs nothing. It’s purely about emotion while for the latter they first talk about how much it costs. But both are abnormal behaviour; they belong to serious psychological perversion (Xie1982).

The peculiar way in which *tongxinglian* or ‘homosexuality/homosexual’ is figured by the police suggests two things: 1) *tongxinglian* must be an oxymoron, for homosexuality is emotional rather than sexual; 2) should it be sexual, it must be purchased. Given Taiwan’s sex culture, it is perhaps not surprising that mainstream society and the police themselves could not envision sex without payment.

raid, (even if it were legal, I doubt many of our officers would be prepared to do it), I want to reiterate our procedures in making arrests and getting convictions. Firstly, you must always conduct operations in pairs. When one of you succeed in striking up a conversation with a male prostitute, the other must observe and follow from a distance. When chatting them up, you must pretend that you are actually going to do it. You should ask the other party if they are experienced and try to get examples, locations and dates, of this *jiansu* behaviour. Once you have an answer, then set off for the hotel or residency with the prostitute. As soon as you step out of the New Park, pretend to be intimate and close and then grab him by the belt and reveal who you are and arrest him with the help of your partner before taking him back to the police station. When you are there, record all the *jiansu* details performed in the last three months⁵⁴ to which he had previously admitted before passing sentence (96, bold emphasis added).

Here, same-sex genital relations are taken as *jiansu* or ‘carnal relations’, even if those homosexuals-prostitutes who were arrested are often charged with ‘misdemeanour’: just as that particular code was often cited to punish female prostitute suspects, it was equally convenient to punish male homosexuals-prostitutes suspects.⁵⁵ Indeed, while homosexuality appeared to be absent from juridical codes in Taiwan, it was implicitly regulated *through* prostitution by the state.

Li ends his article by giving an account of his own experience in arresting an effeminate young man. When asked whether he was experienced, the young man said: ‘I am very experienced. I went to a hotel with an American guy only two days ago and got six hundred NT dollars for that.’ As they left the park, Li asked the young man to walk in front of him,

lest [other] policemen got suspicious. But my real intention was that had I walked in front of him, he might have run away after realising my identity through observing [from behind] the way I walk (96).

Given what Li has said earlier about male prostitute’s effeminate mannerisms, his real purpose for wanting to walk ‘behind’ the young man can only be his unconscious fear of being ‘taken as woman’ and sodomised from behind.

The police operations in rooting out the homosexual culture of prostitution reached a new height in April 1983 when the Golden Peacock Restaurant in Taipei was raided on suspicion of covertly running the homosexual prostitution business by hiring a group of male youth aged between 15 and 18 as hostesses (Zhang 1983: 98). Because

⁵⁴ According to article 6 of the Police Offence Law, the police could punish any police offending act performed within the last three months.

⁵⁵ In his article, ‘On the Illegitimacy of Homosexuality,’ Meng Weishi, lecturer of the Central Police Officer College, points out that, apart from ‘misdemeanour’ as codified in the Police Offence Law, none of the existing laws could be cited to punish homosexuals. Asserting that homosexuality will become a huge social problem in the future, Meng calls on the legislators to amend the criminal law and to enlist codes that made homosexual acts punishable in the bill of the Social Order Maintenance Law. See Meng (1983).

the scale of the business was believed to be the largest of its kind to date, the raid was widely covered by the press, with sensational news headlines running as follows:

Golden Peacock, the Headquarters of Homosexual Prostitution Business, Raided;
Young Men Serve as 'Renyao', Accompanying Men by Drinking and Sleeping
with Them (*Central Daily* 1983)

Called by the Name of 'Xianggong'⁵⁶ within the Glass Clique;
Pleasures Provided Purely By and For Men. Homosexuals Ply Their Trade in
Restaurant (*United Daily* 1983)

Men Serving as Hostesses in 'Golden Peacock'; 'Cut-Sleeves'⁵⁷ Take to It Like
Ducks to Water! (*China Times* 1983)

After the Golden Peacock, another two gay restaurants/bars - the *Dahan Club* and the *Tang Street Wine Bar* - were also raided and closed down by the police in April 1984 (Wu 1998). Thanks to the press's wide coverage of the series of police raids on the New Park as well as other commercial premises, the cultural imaginary of the glass clique as a cesspool of promiscuous male homosexuals desperate for sex trade had by the mid-1980s been firmly established.⁵⁸

The Social Order Maintenance Law

In the mid 1970s (particularly after the death of Chiang Kai-shek in 1975), public disquiet about the Police Offence Law begun to emerge. In the wake of increasing human rights agitation, liberals, lawyers and legal scholars began to criticise the law from the viewpoint of jurisprudence, pointing out dated and obscure regulatory codes such as item 1 of article 64 ('misdemeanour') and item 11 of article 54 ('disobeying government's regulations of commerce and business'); its unevenly graduated penalties; the excessive para-judicial power it conferred on the police to punish offenders without any court procedures; and above all, its unconstitutional status. While calling on the KMT government to overhaul the law, liberals nonetheless conceded that the law had made invaluable contributions to enhancing the security of society when it came to halting crimes and, in particular, the inundation of prostitution.⁵⁹ How are we to make sense of this liberal argument? Here, a remark made by Foucault is illuminating:

At the end of 18th century, people dreamed of a society without crime. And then the dream evaporated. Crime was too useful for them to dream of anything as crazy - or ultimately as dangerous - as a society without crime.

⁵⁶ Traditionally a respectable social term for the scholar-literati or literati-bureaucrat, the term 'xianggong' came to be appropriated by cross-dressed Peking opera actors in the Qing dynasty as an identity-name. Because of the prominent prostitution culture developed around the Peking opera, it later came to refer to male prostitutes.

⁵⁷ The idiomatic expression 'cut-sleeve', which comes to designate male-to-male genital relations, is derived from the famous love story between the Han Emperor Ai (r. 6-1 B.C.) and Dong Xian, his beloved subject. The Emperor was in bed sleeping with Dong Xian stretched out across the sleeve of his garment. Not wanting to disturb his beloved when rising, the emperor chose instead to cut his sleeve. See Hinsch (1992: 53).

⁵⁸ This equation of male homosexuality with prostitution continued to be configured within the eroto-homophobic discourse of AIDS in the second half of the 1980s. See Huang (forthcoming).

⁵⁹ On these arguments see Wu (1979), Lin (1979), Xie (1979) and Li (1979).

No crime means no police. What makes the presence and control of the police tolerable for the population, if not fear of the criminal? This institution of the police, which is so recent and so oppressive, is only justified by that fear. If we accept the presence in our midst of these uniformed men, who have the exclusive right to carry arms, who demand our papers, who come and prowl on our doorsteps, how would any of this be possible if there were no criminals? And if there weren't articles every day in the newspapers telling us how numerous and dangerous criminals are? (Foucault 1980: 47)

Given this argument, might we not ask: Might we not ask: is it not the criminalisation of prostitution that makes the presence and control of the police tolerable? Indeed, 'virtuous custom' had become a hegemonic regime after the intensified policing of commercial sex, as well as the moralisation of the population in national culture during the 1960s and 1970s. And this is most clearly reflected in the fact that, according to Ouyan Cuifeng's research on woman-related issues addressed in parliament between 1973 and 1988, the question of the inundation of sex became MPs' favourite topic of discussion in the new parliament of 1980, the first to have been elected in Taiwan since 1949 (Ouyan, cited in Gi 1998:3).

The KMT government did not respond to the growing criticism of the Police Offence Law until 1979 when a political crisis was caused by its severing of diplomatic ties with the US. As a political gesture to signal its willingness to reform, the KMT government announced that it would revise the law, declaring a year later that it would replace it with a new law called 'the Social Order Maintenance Law' (Gui, 1991: 66-67). Nevertheless, it took another decade before the Police Offence Law was finally abolished.

The Social Order Maintenance Law, passed by parliament in 1991, contains four categories of offence, including offences against social order and virtuous custom, the obstruction of civil servants carrying out administrative duties, and causing bodily harm to others and properties. With regard to penalties, it includes admonition, detention (no more than five days), fines (which are much heavier than those prescribed by the Police Offence Law) and the shutting down of businesses temporarily (no more than twenty days) or permanently (Gui 1991: 67). While the police are still the agency who implement penalties, sentencing is given to newly set-up magistrate courts. Of particular interest and significance is the regulatory regime of 'virtuous custom' as defined by this new law. Commercial sex continues to be outlawed: pimping, procuring, and soliciting 'in public' or in 'places accessible to the public' remain strictly prohibited (article 80 and 81). Significantly, the law decriminalises the client, a change which was reported to have been met with protest from women MPs and women's organisations.⁶⁰ Sex workers who offend the law three times within a year are to be sent to reform institutions for a period of between six and twelve months (article 80). Further, the use of proxies in running particular type of businesses is outlawed (article 18).⁶¹

⁶⁰ See Hwang (1996).

⁶¹ 'The Social Order Maintenance Law', in (Liu and Shi, 1994: 1277-1287).

Of particular significance are the modes of sexual act by which prostitution is defined in item 1 of article 81 which prohibits ‘a person having carnal relations [*jian* 姦] or sleeping with others [*su* 宿] for the purpose of gain’. Here, the compound *jiansu* 姦宿 or ‘carnal relations + sleeping with someone’, as previously codified in the Police Offence Law, is modified in the Social Order Maintenance Law, with the words *jian* 姦 and *su* 宿 separated by a comma (item 1, article 80). An explanation offered by the juridical authority in reply to a question raised by a local court as to whether item 1 of article 80 is applicable to homosexual prostitution (apparently homosexuals had already been arrested and charged by the police) or to heterosexual prostitution involved with non penis-vaginal penetrative sex, should illuminate the meaning of this modification and its operation:

The objective in implementing the Social Order Maintenance Law is to sustain public order and to ensure the security of society. Therefore one should take this objective into account when interpreting the law itself. Even if the behaviour of accompanying-sleeping [*peisu* 陪宿] for the purpose of gain is not aimed at [having] carnal relations [*jianyin* 姦淫], to the extent that such behaviour stems from illegitimate [sexual] aims (such as sodomy [*jijian* or ‘chicken sex’] and indecent acts [*weixie*]) it is obvious that it is detrimental to virtuous custom and public order: hence it is necessary to punish it. Accordingly, whether the behaviour of accompanying-sleeping for the purpose of gain occurs between the members of the same sex or members of the opposite sex *not* engaging in carnal relations [*jianyin*], to the extent that the behaviour [in question] is compelled by the illegitimate purpose detrimental to virtuous custom, it itself constitutes an offence against item 1 of article 80. On the other hand, if accompanying-sleeping has a legitimate purpose and is not detrimental to virtuous custom, then the law would not be applicable (Sifayuan, 1993: 331-332).

The term *su* or ‘sleeping with’ thus comes to be figured as a euphemism for ‘having sex’. Although the juridical authority does not provide us with any example of what constitutes a legitimate act of ‘accompanying-sleeping’, it is clear that commercial sex, regardless of sexual object and aim, is illegitimate and hence must be outlawed so that the sexual order predicated upon the sage-king patriarchal family can be maintained. The only people who do not have to justify their act of ‘accompanying-sleeping’ are those in marital relationships. All others - particularly non-married women and male homosexuals - must justify their private behaviour when it involves sleeping with someone. Through this tacit operation of the term *su*, all forms of non-marital sexual behaviour and erotic practices, including same-sex genital relations, continue to be policed, however implicitly, through the control of prostitution and the presumption of guilt in the post Police Offence Law era in Taiwan.

Conclusion: Contesting the Normative Regime of ‘Virtuous Custom’

Throughout this paper, I have sketched out a historical process whereby a sexual order came to be established in postwar Taiwanese society under the regulatory regime of ‘virtuous custom’ sustained by the Police Offence Law. In analysing the KMT

government's prostitution policy, I have shown how women prostitutes were constructed as the sexual other of 'national citizens' and how they were disciplined and punished for failing to conform to the patriarchal sexual moralism. Further, I demonstrated how a socio-economic transformation brought about by rapid industrialisation/urbanisation and cold-war geo-politics gave rise to the burgeoning of the sex industry and how a series of new administrative measures and social reforms were implemented by the government in its effort to police the crisis in national culture. By examining the police technology as well as the official/journalistic discourse of sex, I demonstrates that 'virtuous custom', a nationalist ideological construct predicated upon the Confucian sage-king moral paradigm, operated as a norm of sex whose boundary was secured through the policing of non-familial/non-marital sexualities. Within such a gender/sexuality system, unmarried women and other marginal sexual minorities such as transgenders and male homosexuals came to be treated as sexual suspects and policed as prostitutes: both female sexuality and male homosexuality have both been historically regulated by the state *through* its banning of prostitution in postwar Taiwan.

A progressive sexual and gender politics must therefore challenge the social/sexual order based upon the state's maintenance of 'virtuous custom'. Significantly, the political imperative to contest 'virtuous custom' is made all the more urgent as its regulatory regime has been greatly expanded in recent years due to the promulgation of 'the Law to Suppress Sexual Transaction Involving Children and Juveniles' in 1995 as well as the rise of state feminism and its intervention in legal reforms.

Josephine Ho has traced a hegemonic process whereby an anti-trafficking campaign, launched shortly before the lifting of martial law in 1987 by a coalition of nascent NGOs to rescue aborigine teenage girls forced into prostitution, gradually reconfigured itself into an anti-prostitution/obscenity bloc lobbying for a new law (endowed with more punitive and preventive measures than existing regulations) that was to become 'the Law to Suppress Sexual Transaction Involving Children and Juveniles'. In particular, Ho draws out the instrumental role that the women's NGOs played in that process, further showing their continual involvements in transforming the law into 'an intricate web of social discipline' through which teenage sexuality and especially cyber sex came to be increasingly regulated (Ho 2004). Meanwhile, with the onset of the prostitute rights movement in 1997 (triggered by the Taipei city government's sudden decision to abolish licensed prostitution) splitting the women's movement over the issues of sexuality and sex work, some self-proclaimed 'gender politics' and 'state feminists' made it clear that they are only interested in working with the new state on 'gender issues' related to the family. With housewives placed at the centre of such a women's movement, the goal of state feminism is not only to transform the state into a carer, but also for 'all' women to take over the state and rule the country (starting with mobilising housewives to take part in running local communities before getting into mainstream electoral politics). In a forceful critique of such a 'state feminism' as elaborated and theorised by feminists like Lin Fang-mei⁶² and Liu Yu-xiou,⁶³ critic Ding Naifei acutely observes the state feminists'

⁶² As one of the most vocal anti-sex feminists, Lin Fang-mei has published a number of essays calling for tighter state regulations of pornography. Citing extensively the works of American anti-pornography feminists like Catherine Mackinnon and Andrea Dworkin, she stated, in her most recent book on pornography and freedom of speech, that 'a true feminist is one who neither wants to be fucked by people nor to fuck people.' (Lin 1999: 208)

exclusion of the issue of sexuality and their adherence to domestic morality prescribed by Confucian doxa of sage-king moral cultivation. Moreover, Ding notes a certain 'reticence' at work in the state feminists' claim to include 'all' women as the subjects of these campaigns, due to their uncritical appropriation of Confucian moralistic doctrine. Such a position rules out those who fail or refuse to assume Confucian familial norms such as prostitutes and queers (Ding 2000: 315).

In line with Ho and Ding's critique of mainstream feminist politics, I want to show how a certain kind of gender politics as enacted by the state feminists, or rather, the sage-queen state feminists, not only excludes the issue of sexuality but leads to further marginalisation of other sexual minorities. I shall do this by looking at the state feminists' recent campaigns to amend the two major sex laws namely, the Social Order Maintenance Law and the criminal law. According to a report from the *United Daily*, September 19, 1998, several women's NGOs, including the Women Rescue Foundation, the Garden of Hope Foundation (both of which had been vital in giving birth to the 'Law to Suppress Sexual Transaction Involving Children and Juveniles'), the Taipei Women's Rights Association and the Taiwan Feminist Scholar Association had proposed to a cross-party coalition of women parliament members a bill to amend the Social Order Maintenance Law. The bill purported to criminalise the (male) client who patronises the (woman) prostitute. These women's NGOs argued that the current regulation was discriminatory because it punished only the prostitute, not the client. Not only should the punter be criminalised but also be given a heavier penalty than the prostitute. Apart from this 'naming and shaming', the women groups maintained that the (male) punter should be given mandatory sex education, education about gender equality and be sent to a Genital-Urology clinic to be checked for venereal diseases. However, punishment for those not married, they added, could be reduced. Lighter penalties such as admonition should also be given to those prostitutes who offend the law for the first time. Furthermore, the bill not only called for greater punishment of pimps and sex business owners but also the penalising of landlords of the sex places. Finally, heavier penalties would be given to those commercial places found to be in the vicinity of kindergartens, nurseries and all types of schools within a distance of a five hundred square meters (Liang 1998).

The social/sexual order as envisioned in this bill 'with a feminine and tender touch', as Liu Yu-xiou put it in this report, is no different from the existing one maintained by the sage-king state, except that it is even more punitive and puritanical. The sage-queen feminists' outrage at the discriminatory stance of the law against women prostitutes did not lead them to radically question the justice of the law which penalised the prostitute in the first place: instead, they wanted the client to be penalised as well. In addition, the client should be re-educated to learn how to behave like a gentleman who treats women politely. Interestingly, it is in the state feminists' benevolence and lenience towards the novice woman prostitute and the unmarried adult male client that the heterosexist and sage-king style of benevolent justice (delivered previously by the police officer under the Police Offence Law) is replicated by the state feminists. In the case of the novice woman prostitute, the sage-queen state

⁶³ Seen as one of the most prominent feminists in Taiwan, Liu Yu-xiou is particularly known for her zealous promotion of Scandinavian state feminism as practiced in countries like Sweden and Finland, where feminists, according to Liu, work closely with the nation-states on the gender issues particularly related to the family such as child-care, community mobilisation, health and care for elderly.

feminist appears to be saying, 'OK, I'll just tell you off this time for the sake of our sisterhood, but if you don't try to better yourself and offend again, expect harsher punishment next time.' In the case of the unmarried client, the sage-queen feminist re-imposes, however tacitly, the norm of marital sex to the regulatory neglect of non-familial sexual suspects such as unmarried women who patronise men and the wide range of sexual practices offered in the sex industry.

Paradoxically, while the sage-queen feminists were proposing a bill for a new social order that would keep prostitutes/hostesses out of sight so that 'their children' could be brought up in a *more* respectable environment (sex is further zoned out in their proposal [a distance of a five hundred square meters] than in the 1967 revision of the particular type of businesses regulation [a distance of a two hundred square meters]), they were at the same time lobbying parliament to delete the category of 'a woman of respectable family' from article 231 of the criminal law. With this legal category in operation, those sex business owners employing the *non* 'women of respectable families' (i.e., women who are accustomed to the practice of prostitution or women who are *not* first-time prostitutes) had long been exempted from criminal prosecution. Thus, it is no surprise that the anti-prostitution feminists had always wanted this legal category to be abrogated for it was not only a product of patriarchal thinking which, they argued, divided women into the virtuous (women of respectable families) and the non-virtuous (prostitutes) but also encouraged the development of the sex industry wherein women were universally victimised. However, there lies a paradox at the heart of this anti-sex feminist argument and this can be seen in a revealing slip made by the liberal feminist Shen Meizhen in her influential *Victimised Women Prostitutes and Prostitution Policies in Taiwan* (1990).⁶⁴ Campaigning for the abolition of the category of 'a woman of respectable family', Shen wrote, in a section of her book depicting the sex businesses in 1980 Taiwan and the harm it caused to society, that '[these days] Taiwan is inundated with sex barbershops, so much so that makes it very difficult for *the paternal elders of respectable families* to find a place to have a simple haircut.' (Shen 1990: 63, emphasis added) Despite her avowal to eliminate the *sexual* difference between women, Shen identifies herself totally as 'a woman of respectable family' and with the feminine virtue ordained by the sage-king patriarch.

To the delight of state/anti-prostitution feminists', the category of 'women of respectable families' was legally deleted on January 14, 1999, 'a victory for women's groups', as a newspaper headline exclaims (the *United Evening*, Jan 15, cited in Ding and Liu, 1999: 440). The revised article 231 replaced 'women of respectable families' with 'man and woman', substituting *xingjiao* or 'sexual intercourse' for *jianyin* or 'carnal relations'. Hence, under this newly revised criminal law, 'a person who for the purpose of gain induces a man or a woman [instead of 'a woman of respectable family'] to have sexual intercourse [instead of *jianyin* 姦淫 or 'carnal relation'] or to perform an indecent act with a third person or who retains him or her for that purpose shall be punished with imprisonment for not more than five years [instead of three years]' (article 231).⁶⁵ This effectively means that since 1999 prostitution has - except

⁶⁴ Founder of the Women Rescue Foundation, Shen was a practicing lawyer heavily involved in the drafting of 'the Law to Suppress Sexual Transaction Involving Children and Juveniles' (Ho 2004).

⁶⁵ In addition, the penalty for offence against public indecency (article 234) has also been increased from detention to maximum one-year imprisonment in the 1999 revised criminal law. Importantly, the revised article also introduced a penalty of maximum two-year imprisonment for those who intend to

for those licensed brothels remaining - been completely outlawed.⁶⁶ Critics Ding Naifei and Liu Jen-peng have acutely observed the significance of this legal change:

Strangely enough, as 'woman of respectable family' is being deleted [from the law], 'she' becomes omnipresent. (Because no one can say that I am 'accustomed to immoral behaviour' anymore). As far as the article is concerned, the space left by 'a woman of respectable family' is now occupied by 'man and woman'. What scarcely changes is the victimisation of 'a woman of respectable family'. She will still be induced and retained by the wrong-doers to have sex with others. After the deletion of 'a woman of respectable family', man and woman, that is, everyone, is forced to become 'a woman of respectable family.' Everyone, as far as the matter of sex or 'immoral behaviour' is concerned, all ought to be taken as 'a woman of respectable family', such that they may become the pure object of a victimiser. All the sexual subjects other than 'woman of respectable family' become the targeted objects to be excluded [from the social]. [Society] is either letting her die out gradually [referring to the licensed prostitutes] or trying hard to make her reform. Meanwhile, in the course of this process, society never forgets to remind the general public... how untamed and how ungrateful she is (Ding and Liu, 1999: 441, my translation).

The benevolent sage-queen anti-prostitution state femin(in)ist⁶⁷ is that omnipresent figure - 'woman of respectable family'. She controls the sexual life of teenage girls and boys through the regulation of prostitution. Normative notions of 'sexuality' are to be inculcated into youths so that they learn to respect members of the opposite sex, to shame those who sell their bodies for money, and so know that only marital sex is legitimate. She wants to train adult women to conform to domestic sexual morality by introducing a graduated scheme of penalties for women prostitutes. She also calls for more punishment to be given to married male punters so that her housewife status can be better secured, which in turn provides her with a stable family life to bring up normal children together with her equally virtuous husband. Even if her children grow up to be the non-marrying type, she can tolerate this as long as s/he remains respectable by cautiously maintaining his/her own bodily autonomy over erotic life, living out his/her (slightly unconventional) desires in a segregated social environment free of commercial sex. In the name of preventing supposedly innocent children, youths and adults of both genders being preyed on by the evil sex wolf, the sage-queen femin(in)ist righteously takes up the role of policewoman, working with and for the sage-king state to maintain the normative regime of 'virtuous custom'.

This is the new sexual order ordained by the sage-queen femin(in)ists in twenty first century Taiwan. It is also the normative condition that one must take into account if one wants to ask what it means to be a sexual dissident in Taiwan. The state's regulation of sexualities through its banning of prostitution continues to operate as the

profit by making others perform indecent acts in public.

⁶⁶ The parliament passed a special procedure to allow the existing licensed brothels to ply their trade legally. As I have mentioned earlier, because the government had stopped issuing licenses to brothels and made the licenses non-inheritable and non-transferable since 1973, licensed brothels will be become extinct in a few years in Taiwan.

⁶⁷ I use the term femin(in)ist to underline Liu Xu-xiou's stress on their feminine mode of legal intervention.

normative constraint in constituting the bodily materiality of those deviant sexual subjects. Indeed, if anything, the machinery that forcibly produces the sense of sexual shame inseparably linked to the stigma of prostitution and promiscuity has become even more powerful due to the rise of sage-queen sexual moralism. In their claim to represent ‘all’ women and to enact gender justice, the middle-class state femin(in)ists have suppressed the rights of women inhabiting erotic cultures outside the domain of the family by imposing their norms on prostitutes, hostesses and queers. While the government has included the legalisation of gay marriage in the Human Rights Protection Bill (due to be debated in parliament towards the end of 2003), it not only consistently denies its citizens (of whatever sexual orientation) the right to sex work but also tightens up the control over youth and the unmarried population through the regulation of prostitution. Contesting this new social/sexual order on the grounds of its ideological operations and practices thus represents the most challenging task for the articulation of dissident sexual citizenship in Taiwan today.

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Special Terms

bianxiang yingye	變相營業
bingguo shi	冰果室
boliquan	玻璃圈

Chun chicha	純吃茶
congliang	從良
dao gao yi chi/ mo gao yi zhang	道高一尺/魔高一丈
gechu guomin tuifeng, jiaqiang jingshen dongyuan, peiyang wuxing zhangli	革除國民頹風, 加強精神動員, 培養無形戰力
gongchang	公娼
gua yang tou/ mai gou rou	掛羊頭/賣狗肉
guomin	國民
heideng kafei	黑燈咖啡
huanchang	歡場
huangse chashi	黃色茶室
jianyin	姦淫
junzi	君子
liangjia funü	良家婦女
lingjian	臨檢
meiyou chufang de canting	沒有廚房的餐廳
nanchang	男娼
ren	仁
pi	癖
pinju	姘居
renyao	人妖
renzheng	仁政
shanliang fengsu	善良風俗
sichang	私娼
teding yingye	特定營業
tezhong jiuja	特種酒家
tezhong yingye	特種營業
weixie	猥褻
xiao pin bu xiao chang	笑貧不笑娼
xingjiao	性交
xingjiaoyi	性交易
xiyu yinxing	習於淫行
yangnü	養女
yinyie	淫業
yuanyang yu	鴛鴦浴
zeren er shi	擇人而侍
zhengsu	正俗
zuo zhi qin, zuo zhi shi, zuo zhi jun	作之親 / 作之師 / 作之君