1

INTRODUCTION

It was a fall afternoon in the central square of Xizhou, a red-light district in the city of Shenzhen, in southern China.[1] About two hundred female sex workers were milling around in the square near the hair salons and karaoke bars where they work. Before disappearing into these venues for the night, they were catching up with friends and snacking on grilled corn on the cob, meat skewers, and vegetable stew from neighborhood hawkers. Local government health officials were hard at work in the community, as they usually were at this time of day, and my research assistants and I worked alongside them distributing condoms and safe sex pamphlets to the sex workers in the hopes of later recruiting them to participate in a survey. All of a sudden, the women started running away from the square and into the nearby alleys, vanishing from view. When I looked around to see what was happening, I spotted a van driving slowly around the square. Men inside the van were extending their arms from its sliding door and pulling in women who had not managed to escape in time. When the van came up to me, one of the men, evidently surprised by the presence of a young white woman at the scene, hopped out to inquire about me. Only then did I realize these were undercover police officers – the man had a discreet police patch on his sweater. The neighborhood health

[1] Xizhou is a pseudonym. I use the term "red-light district" to refer to an area with a high concentration of prostitution. My use of the term is consistent with that of other scholars of sex work in China. See, e.g., Pan Suiming (潘绥铭), *Sheng Cun Yu Ti Yan (生存与体验) [Survival and Experiences]* (Beijing: Chinese Social Science Press (中国社会科学出版社), 2000); Tiantian Zheng, *Red Lights: The Lives of Sex Workers in Postsocialist China* (Minneapolis: University of Minnesota Press, 2009).

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officials rushed over to vouch for me, and the officer soon lost interest and drove off with the van full of women.[2] According to one sex worker who ended up in the van, the police explained that they needed to meet their monthly arrest target for prostitution.[3] They brought the women to the local police station, confiscated their cigarettes and cash, held them overnight, and released them the next day.

Over the next two hours, the neighborhood gradually came back to life. Sex workers cautiously returned and went into their karaoke bars and hair salons, and clients trickled in shortly afterward. As night fell over Xizhou, it was back to business as usual until a group of six or seven young men crowded around the table in the square where my research assistants and I were conducting outreach. It quickly became clear that the local sex industry had sent them our way to intimidate us.

GROUP HEAD:	"What are you doing here? In the future, you're not allowed to come here."
MY RESEARCH ASSISTANT:	"We're here to do health education."
GROUP HEAD:	"Fuck health education."
MY RESEARCH ASSISTANT:	"We're with the local health bureau."
GROUP HEAD:	"Fuck the local health bureau. Finish your stuff up now. If I ever see you here again, I'm going to cream your table into pulp."[4]
MY RESEARCH ASSISTANT:	"We'll leave now."
GROUP HEAD:	"Fuck you. Get out of here. I'm going to smash all of your stuff into pulp. Don't let me see you here again."

We promptly grabbed our belongings, hailed a cab, and left for the night.[5] When we returned a few days later and recounted our experience to Wang Zhuren, the head of the local health office, he shrugged it off, using the term "youngsters" (小伙子 – *xiao huozi*) to convey that he viewed these hecklers as harmless. He was used to receiving pushback from the neighborhood sex industry when he carried out testing, training, and outreach programs to reduce HIV/AIDS in the

[2] Field Notes, November 13, 2009.
[3] Field Notes, November 17, 2009.
[4] "下次再让我看见你们砸烂你们的桌子." (*Xia ci zai rang wo kanjian nimen zalan nimen de zhouzi.*)
[5] Field Notes, November 13, 2009.

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community.[6] Sex workers, madams, pimps, and managers of the venues where they work are wary of letting the state into their lives and giving it a close look at the illegal activities in which they engage, and do not want it disrupting their regular business operations.

That evening in Xizhou brings to life what this book is about: how the regulation of prostitution shapes the lives of female sex workers, street-level police officers, and frontline public health officials. It is a case study of law in everyday life in China that examines the place of law both within society and within the state, and that also brings to light how dynamics between society and the state unfold on the front lines around the law. Within society, I study how sex workers experience the laws that govern their lives. Within the state, I examine street-level police and public health officials, the individuals who are responsible for implementing the laws and policies that govern sex work in China. I observe how they contend with agency directives handed down from above, and with cross-agency tensions and local political priorities they encounter as they seek to carry out their professional responsibilities. And when sex workers (society) and law enforcement and health officials (the state) encounter each other, I examine the place of law in those dynamics: how those interactions are faithful to the law, how they flout it, and how they often sit somewhere in the middle, selectively mirroring aspects of it while holding others at bay.

Female sex workers in China are usually viewed as either scheming villains who break the law to earn easy money instead of putting in the hard work of the country's law-abiding citizens, or as innocent victims of broader socioeconomic and political trends that reduce them to engaging in illegal behavior as a last resort. The state is generally perceived as turning a blind eye to China's thriving sex industry and paying short shrift to the laws that govern it. And considering that female sex workers are among the most marginalized and stigmatized groups within China, an authoritarian state that wields prodigious power over its citizens, it makes sense to expect that whenever government officials *do* pay attention to sex workers, these interactions will exhibit the overwhelming strength of China's state and the weakness of its society.

My research, however, belies such broad-brush characterizations of prostitution in China. Instead, it brings to light the multifaceted and

[6] Field Notes, November 17, 2009.

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nuanced ways in which female sex workers, police officers, and local health officials actually experience China's prostitution laws and policies. It is based on almost two years of fieldwork in which I placed myself at eye level with sex workers and the street-level bureaucrats responsible for regulating their lives, listening to how they talk about the law and observing how they behave around it amid the swirl of relationships and rules that shape their daily lives. Female sex workers certainly do cower in the face of the state: They fear its law enforcement officers and shy away from its public health programs. But they also engage with the rules and regulations that define the state's formal interventions into their lives, voice their objections, and push back against perceived injustices. Frontline police and public health officials, for their part, are no angels. They often exert control over sex workers in ways that profoundly violate these women's rights and dignity. But these officials are not only vessels of authoritarian state strength when they regulate the lives of sex workers. They also struggle to carry out their professional law enforcement and public health responsibilities as they navigate complicated power dynamics that emerge within their agencies, across agencies, and in relation to local political priorities. These challenges highlight the vulnerabilities of these street-level bureaucrats, who can be surprisingly attentive to the concerns of sex workers in the community – catering to them, treading carefully around them, or protecting them from harm. *The Regulation of Prostitution in China: Law in the Everyday Lives of Sex Workers, Police Officers, and Public Health Officials* tells the story of these experiences.

THE CASE OF PROSTITUTION IN CHINA

Prostitution is ubiquitous in contemporary China.[7] Millions of women sell sex, and millions of men buy it. It is also illegal, and this policy is a reflection of prostitution's symbolic importance in the People's Republic of China (PRC).[8] When the Chinese Communist Party

[7] This book focuses on prostitution between female sex workers and male clients. Of course, the sex work landscape in China includes both heterosexual and same-sex prostitution, and men and transgender people also sell sex. Yet these other permutations of prostitution differ in a variety of ways in China, including their prevalence, their roles in society and the economy, the self-perceptions of participants, the public's views of them, and how various state actors choose to regulate them. I leave it to others to reflect upon the regulation of these other types of prostitution in China.

[8] I use the terms "sex work" and "prostitution" interchangeably throughout this book in reference to the exchange of sex for money or other material goods. The term "sex work" is in fact broader than the term "prostitution" – the former includes activities such as erotic dancing and

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(CCP) came to power in 1949, it portrayed prostitution as a feudal remnant of the country's colonial past.[9] It invested heavily in efforts to eradicate prostitution from society, and by the late 1950s and early 1960s, the CCP was publicly touting its success.[10] In fact, sex work continued in more disguised forms; yet for about three decades, it was remarkably less prevalent and conspicuous in Chinese society.[11] This all changed in 1978, when Deng Xiaoping introduced market-based economic reforms and opened China to the outside world, turning the PRC into a Communist-ruled country that fervently embraces capitalism. The pervasiveness of the exchange of sex for money and material goods powerfully embodies this deeply ironic ideological contradiction within Chinese society today. On a less theoretical level, prostitution has played a pivotal role in a public health crisis in China – HIV/AIDS, which expanded from high-risk groups to the population at large through sex workers, clients, and their other sexual partners.[12]

State Interests in the Sex Industry

Sex work challenges the Chinese state in three different domains: policing, public health, and commerce. From the perspective of law enforcement, it violates anti-prostitution laws. It also makes it difficult

pornography, which my study does not address, and the latter assumes some kind of vaginal, oral, or other intercourse. Samantha Majic, "'I'm Just a Woman. But I've Never Been a Victim': Re-Conceptualizing Prostitution Policy through Individual Narratives," *Journal of Women, Politics & Policy* 36, no. 4 (October 2, 2015): 383, https://doi.org/10.1080/1554477X.2015.1082889. In addition, given the type of prostitution that I examine, when I use the terms "prostitution," "sex work," "sex worker," and "client," I am referring to female sex workers and male clients.

[9] Gail Hershatter, *Dangerous Pleasures: Prostitution and Modernity in Twentieth-Century Shanghai* (Berkeley: University of California Press, 1997), 7, 305; Christian Henriot, "'La Fermeture': The Abolition of Prostitution in Shanghai, 1949–58," *The China Quarterly*, no. 142 (1995): 467–68.

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

[11] Sarah Biddulph, *Legal Reform and Administrative Detention Powers in China* (Cambridge: Cambridge University Press, 2007), 76; Jeffreys, *China, Sex and Prostitution*, 96.

[12] Joan Kaufman, Arthur Kleinman, and Tony Saich, "Introduction: Social Policy and HIV/AIDS in China," in *AIDS and Social Policy in China* (Cambridge, MA: Harvard University Asia Center, 2006), 6; Yan Hong and Xiaoming Li, "Behavioral Studies of Female Sex Workers in China: A Literature Review and Recommendation for Future Research," *AIDS and Behavior* 12, no. 4 (July 2008): 623; Yan Cui, Cynthia X. Shi, and Zunyou Wu, "Epidemiology of HIV/AIDS in China: Recent Trends," *Global Health Journal* 1, no. 1 (June 1, 2017): 26–32, https://doi.org/10.1016/S2414-6447(19)30057-0; Zunyou Wu, Junfang Chen, Sarah Robbins Scott, and Jennifer M. McGoogan, "History of the HIV Epidemic in China," *Current HIV/AIDS Reports* 16, no. 6 (December 1, 2019): 458–66, https://doi.org/10.1007/s11904-019-00471-4.

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to maintain order in a community, as areas with a high concentration of sex work and entertainment venues that harbor it attract large numbers of unruly and often inebriated clients. Sex workers are also at heightened risk of falling victim to crimes such as robbery, rape, and murder. And when they are coerced to engage in prostitution, it becomes an issue of sex trafficking. The country's sex industry is also associated with drug use and drug trafficking.[13] In short, prostitution and its associated activities present a variety of threats to public order and social stability that fall within the purview of police responsibilities.

The Chinese state also treats prostitution as a public health issue. Since 2003, the PRC has publicly recognized the threat that HIV/AIDS presents in the country and acknowledges the role that prostitution plays in increasing the virus' prevalence within the population. Sexual transmission is now the primary mode of HIV/AIDS infection in China, and infection rates among sex workers are as high as 10 percent in some places.[14] Public health officials monitor rates of HIV/AIDS infection among sex workers. They carry out trainings to educate these women about HIV/AIDS transmission. They promote condom use within this population and also mandate that condoms be publicly visible and available for purchase in all entertainment venues and hotels. They support voluntary counseling and treatment for HIV/AIDS patients and provide free antiretroviral treatments for them. HIV education campaigns also target the general population, in efforts to reach potential clients. Similar efforts extend to monitoring other sexually transmitted diseases such as syphilis, which also present a public health threat in China.

Lastly, the Chinese state regulates commercial aspects of the sex industry. Work culture in China revolves around a vast entertainment industry – including karaoke bars and clubs – that plays a crucial role in professional networking and business negotiations, and that represents an important contributor to economic growth. Prostitution lies at the heart of this phenomenon: Sex workers are integral to the entertainment that occurs in these spaces. The actual exchange of money for sex

[13] Jason J. Ong et al., "Sexualized Drug Use among Female Sex Workers from Eight Cities in China: A Cross-Sectional Study," *Archives of Sexual Behavior* 51, no. 5 (2022): 2689–98, https://doi.org/10.1007/s10508-021-02117-2; Katie Hail-Jares, Sugy Choi, Lin Duo, Zhi Luo, and Z. Jennifer Huang, "Occupational and Demographic Factors Associated with Drug Use among Female Sex Workers at the China–Myanmar Border," *Drug and Alcohol Dependence* 161 (April 1, 2016): 42–49, https://doi.org/10.1016/j.drugalcdep.2016.01.026.

[14] Wu et al., "History of the HIV Epidemic in China"; Kaufman, Kleinman, and Saich, "Introduction: Social Policy and HIV/AIDS in China," 6.

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between clients and sex workers contributes only minimally to the economic growth that comes from the entertainment industry. Instead, it is expenditures such as food, drink, and room rentals that generate important amounts of revenue, which benefits the state through taxation of entertainment venues and their employees. Importantly, for a state where sex work is against the law, this taxation regime applies to the services that these registered businesses provide that are legal (such as food, drink, and room rentals), rather than the prostitution that they harbor; it is not a policy that officially legalizes and formally taxes the exchange of sex for money. Places with a thriving entertainment industry also provide employment opportunities for China's vast migrant population and attract investment. One study found that the national sex trade was worth 1 trillion yuan (about $157 billion) annually and another estimated that it contributes 6 to 12 percent of China's GDP.[15] In Dongguan, a city in southern China renowned for prostitution, the sex industry is estimated to generate about 10 percent of the local GDP.[16] The accuracy of these figures is not easy to verify. Yet it is undeniable that the entertainment industry is an important contributor to the local GDP throughout urban China, and that it falls apart without the promise of sex that it presents to all its patrons.

The state's three approaches to prostitution – policing, public health, and commerce – are frequently in tension with one another. Policing policies lead sex workers to shy away from the state and hide their involvement in prostitution, for fear of arrest. Yet to work effectively, health policies require sex workers to disclose that they sell sex and to proactively seek health care. Commercial regulations, meanwhile, are designed to allow the state to benefit from a thriving sex industry. Law enforcement regulations, by contrast, aim to reduce the occurrence of prostitution in society. It is these tensions that shape the daily policy implementation choices of police officers and health workers. They lie behind the many permutations that characterize how local officials interact with each other and the sex industry, and that I bring to light in this book.

[15] "Crackdown on Sex City," *The Economist*, February 14, 2014, https://perma.cc/L7ZP-P5HG; Wei Zhong, "A Close Look at China's Sex Industry," *Lianhe Zaobao*, October 2, 2000; Zheng, *Red Lights*, 66.

[16] "Crackdown on Sex City."

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Tiers of Sex Workers

In this introduction thus far, I have focused on female sex workers as one group, united by a shared livelihood: exchanging sex for money or other material goods. Yet China, like every society, includes multiple markets for sex, and the characteristics of prostitution and the experience of its regulation vary widely across each market. In the lowest tier, sex workers solicit on the streets and in brothels, which are often thinly disguised as hair salons and massage parlors, and signal the services they actually provide with glowing red lights in the windows. These venues tend to lack sinks, scissors, and other tools generally found in legitimate beauty parlors. Sex is the only service provided in this lowest tier of the sex industry. In the middle tier, karaoke bar and club "hostesses" (三陪小姐 – *sanpei xiaojie*) drink, dance, and talk with guests. In addition to these services, all of which are legal, they also sell sex. In the top tier of the sex industry, "mistresses" (情妇 – *qingfu*) and "second wives" (二奶 – *ernai*) entertain businessmen and government officials.[17] Clients in this category provide housing and generous living allowances to these kept women, and may even have children with them. Neighborhoods in some cities have such a high concentration of this type of sex worker that they are called "second wife villages" (二奶村 – *ernaicun*).

These three categories encompass the major types of activities and spaces associated with female sex work in China.[18] They also reflect how actors in the sex industry talk about different types of prostitution. The women whose experiences inform this study were quick to articulate the differences between selling sex on the street/in small brothels, hustling for clients every evening at a karaoke bar, and being a kept

[17] I use the terms "second wife" and "mistress" interchangeably throughout this book: In practice, the relationship dynamics that define these two phrases are the same. This decision accords with other scholars who study this population (Suowei Xiao, "The 'Second-Wife' Phenomenon and the Relational Construction of Class-Coded Masculinities in Contemporary China," *Men and Masculinities* 14, no. 5 (December 1, 2011): 607–27, https://doi.org/10.1177/1097184X11412171; John Osburg, *Anxious Wealth: Money and Morality among China's New Rich* (Stanford, CA: Stanford University Press, 2013). It also reflects popular discourse on the phenomenon. That said, clients might object to this conflation of terms. Keeping a second wife (包二奶 – *bao ernai*) is explicitly transactional: *bao* is the verb used in the phrase "to rent a room" (包房 – *bao fang*). Use of the phrase suggests that a man does not have the qualities necessary to attract women without an explicit financial agreement. In contrast, in the phrase used for maintaining a mistress (养情妇 – *yang qingfu*), *yang* means "care," and is the verb used for caring for children or elderly parents. The term removes the transactional nature of the relationship and suggests that the woman is drawn to a client's character, rather than his wealth.

[18] Broadly speaking, these three categories also reflect how prostitution has been organized in other societies and at other historical moments. See Lena Edlund and Evelyn Korn, "A Theory of Prostitution," *The Journal of Political Economy* 110, no. 1 (2002): 187.

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woman whose life revolves around the whims and wishes of one man. Clients also talk about the differences between soliciting sex on the streets/in small brothels, in karaoke venues, and maintaining a mistress or second wife. This approach to categorizing female sex workers in China also largely overlaps with how state actors who regulate the sex industry perceive these women. The police recognize a hierarchy of prostitution in their community, from streetwalkers to second wives and mistresses.[19] China's public health policies classify female sex workers according to a three-tiered hierarchy.[20] Given their focus on groups at greatest risk of HIV/AIDS, public health officials do not explicitly include mistresses and second wives in their categorization.[21]

Some may question whether prostitution encompasses this top tier of women. Second wives might reject this characterization of their situation (particularly if they have never engaged in other types of prostitution), and some of their clients would likely concur. Yet the arrangements between second wives and the men who support them fall comfortably within the bounds of the prevailing definition of prostitution as "the exchange of sex or sexual services for money or other material benefits."[22] In fact, women who move back and forth

[19] Police officers I interviewed spoke about these different types of prostitution in their communities, and the police survey I developed, which received formal approval from the police bureaucracy in one Chinese city, inquired about these tiers. Law enforcement officers in China have also addressed these categories of prostitution in academic writings. See, e.g., Shen Linsong (沈林松) and Wang Zhiwen (王志文), "Maiyin Piaochang Huodong Zhong De Aizibing Chuanbo Yinhuan Ji Fangzhi Duice Chuyi" (卖淫嫖娼活动中的艾滋病传播隐患及防治对策刍议) [Comments on the HIV Risks in and Prevention Strategies Regarding Prostitution and Whoring Activities], *Journal of Hunan Public Security College* (湖南公安高等专科学校学报) 18, no. 1 (2006): 51–53.

[20] These policies instruct health workers to map out the universe of prostitution spaces in a community and categorize them as "high" (高), "middle" (中), or "low" (低) tiers (层次). They define high- and middle-tier venues as nightclubs, hotels, entertainment venues, massage rooms, and bars where a sex worker is paid over 100 yuan ($15) for a sexual transaction. They define low-tier venues as spaces such as small hair salons, massage parlors, foot-washing rooms, hostels, and various areas where streetwalkers solicit and earn less than 100 yuan. Mapped on to the tiers articulated in this book, the health policy "high" category corresponds to the middle tier (hostesses), and its "middle" and "low" categories both fold in to the lowest tier (brothels and streetwalkers). Xiang-Sheng Chen, Yue-Ping Yin, and Ning Jiang, "Was the HIV Infection Burden in Female Sex Workers in China Overestimated?," *The Lancet Infectious Diseases* 13, no. 1 (January 2013): 13.

[21] Mistresses and second wives present less of a public health concern as they have fewer clients. Public health outreach does access them indirectly, however. Some women move back and forth between hostessing and second wife arrangements, and thus encounter health outreach as hostesses. In addition, sex workers in all tiers of prostitution may come into contact with general population HIV/AIDS outreach.

[22] Joyce Outshoorn, "Introduction: Prostitution, Women's Movements and Democratic Politics," in *The Politics of Prostitution: Women's Movements, Democratic States, and the Globalisation of Sex Commerce*, ed. Joyce Outshoorn (Cambridge: Cambridge University Press, 2004), 3.

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between positions as hostesses and kept women clearly view these two arrangements on a spectrum. Other academics who study the sex industry in China also view second wives as engaging in prostitution.[23] This issue begs the question of whether marriage should then also be considered a type of sex work – a position that some feminist theorists uphold.[24] While some sex workers in China do place marriage on the spectrum of prostitution,[25] that was not the predominant view among the women whose stories inform these pages. In addition, the state does not view marriage this way and regulates it separately from prostitution.

Tiers often feature prominently in research on female sex work. The categories that scholars delineate and highlight may differ – not only due to differences across space and time but even within a given society, depending on the research question.[26] For instance, I structure my study primarily around the streetwalker/brothel worker–hostess–mistress categorization described earlier in this section of the chapter. Yet these three categories can be further dissected to reveal additional within-group distinctions,[27] and scholars such as Tiantian Zheng and Suowei Xiao have produced rich and insightful studies focused on such

[23] Pan Suiming (潘绥铭), *Cunzai Yu Huangmiu: Zhongguo Dixia "Xingchanye" Kao Cha (存在与荒谬: 中国地下"性产业"考察) [Existing in Falsehoods: An Investigation of China's Underground "Sex Industry"]* (Beijing: Qunyan Press (群言出版社), 1999); Jeffreys, *China, Sex, and Prostitution*, 168–72. Tiantian Zheng, the anthropologist and author of *Red Lights*, considers mistresses as sex workers. NPR Staff, "Corruption Blurs the Lines of China's Mistress Culture," *National Public Radio*, March 2, 2014, perma.cc/7LLU-EW84 .

[24] See, e.g., Sheila Jeffreys, *The Industrial Vagina: The Political Economy of the Global Sex Trade* (United Kingdom: Routledge, 2008), 38–61.

[25] Osburg, *Anxious Wealth*, 145.

[26] Kimberly Kay Hoang's book, *Dealing in Desire: Asian Ascendancy, Western Decline, and the Hidden Currencies of Global Sex Work*, 1st ed. (Oakland: University of California Press, 2015) is a prominent example of the centrality of tiers in recent research on the sex industry. Hoang's study does not place law at the heart of her analysis of sex work in contemporary Vietnam, and as such I do not discuss it when I turn my attention beyond China's borders. Instead, she examines how high finance, overseas remittances, and the sex industry intersect in Vietnam. In contrast to my research, differences across types of clients are central to her project. Within the entertainment industry (bars and clubs), she studies four different markets for sex distinguished by the type of client to whom they cater: local Vietnamese businessmen, overseas Vietnamese, Western businessmen, and Western budget travelers. (Although she does not focus on them, she also identifies the presence of low-tier brothels in Vietnam that appear similar to those that exist in China (Hoang, 184).) As the references to her work throughout this book make clear, aspects of her study speak to some of my findings, despite our different areas of inquiry.

[27] In the lowest tier, aspects of soliciting on the streets or in parks differ from working in a small pseudo hair salon or apartment-brothel. In the middle tier, entertainment venues vary according to the wealth of the clients to which they cater. In the top tier, the experiences of second wives differ according to the status of the men who employ them.

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within-tier differences of China's sex industry.[28] While some of these within-tier differences surface in the pages that follow, they are secondary to the broader streetwalker/brothel worker–hostess–mistress categories around which I structure my study. As described in the ensuing chapters, it is largely these broader tiers that shape how sex workers experience the state in China. In short, while research on sex work may not all call for the same tier-based emphasis, a shared understanding of the deep importance of tiers weaves throughout analyses of this phenomenon.[29]

Patterns of Tier-Based Policy Implementation

Tiers of sex workers and types of state interventions provide the building blocks of this book. Part II recounts the everyday lives of female sex workers in the different tiers of prostitution. Part III focuses on the experiences and policy implementation decisions of police officers and health officials within these tiers of sex work. Unsurprisingly, many of the practices of these street-level bureaucrats diverge from the formal letter of the law, including the two predominant tier-based patterns of policy implementation that police officers and health officials adopt on the ground.

First, while all prostitution is against the law in China, low-tier female sex workers bear the brunt of the state's policing attention. In this respect, China looks remarkably similar to many other parts of the world. For instance, Elizabeth Bernstein describes how in San Francisco, Amsterdam, and Stockholm, law enforcement practices

[28] Zheng, *Red Lights*; Suowei Xiao, "China's New Concubines? The Contemporary Second-Wife Phenomenon" (ProQuest Dissertations, 2009), perma.cc/T6U2-M8ME ; Suowei Xiao (肖索未), *Yuwang Yu Zunyan: Zhuanxingqi Zhongguo De Jieceng, Xingbie Yu Qinmi Guanxi (欲望与尊严: 转型期中国的阶层, 性别与亲密关系) [Desire and Dignity: Class, Gender and Intimacy in Transitional China]* (Beijing: China Social Sciences Academic Press (社会科学文献出版社), 2018). Chinese sexologist Pan Suiming proposed an oft-cited seven-tiered hierarchy of sex workers in China that also folds into these three tiers. The seven categories are: (1) second wives and mistresses (二奶 – *ernai*); (2) short-term second wives (包婆 – *baopo*), whom clients hire for a specific event; (3) hostesses (三厅里的陪女 – *santing li de peinu*); (4) sex workers who solicit in hotels, called "doorbell girls" (叮咚小姐 – *dingdong xiaojie*); (5) women who work in brothels that masquerade as beauty salons, massage parlors, and saunas (发廊妹 – *falangmei*); (6) streetwalkers (街女 – *jienu*); and (7) women who service rural migrant men, who work mainly in construction (下工棚/住工棚 – *xiagongpeng/zhugongpeng*). When folded into the tiers around which this book is structured, categories (1) and (2) correspond to the top tier; categories (3) and (4) constitute the middle tier; and categories (5), (6), and (7) make up the low tier. Pan Suiming (潘绥铭), *Cunzai Yu Huangmiu: Zhongguo Dixia "Xingchanye" Kao Cha (存在与荒谬: 中国地下"性产业"考察) [Existing in Falsehoods: An Investigation of China's Underground "Sex Industry"]* (Beijing: Qunyan Press (群言出版社), 1999).

[29] This point comes through clearly in my subsequent discussion of contributions this book makes to the larger literature on prostitution and its regulation.

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have focused on getting rid of visible evidence of prostitution – street-walkers – while finding ways to allow it to thrive behind closed doors.[30] Prabha Kotiswaran uncovers a similar pattern in India. Prostitution is formally criminalized in the country, but Kotiswaran's fieldwork instead uncovers "indifference towards indoor sex work and extensive crack-downs on street-based sex work."[31] Indeed, "the enforcement of the anti-sex work law in Sonagachi [a red-light district in the city of Kolkata] is astonishingly similar to what Bernstein describes for San Francisco."[32] In recent years, a growing body of literature has sought to reflect upon policing practices across political regime types with an eye toward nuanced consideration of concepts such as "authoritarian" and "democratic" policing and how they emerge (or not) in different areas of law enforcement.[33] With respect to the issue of sex work, close-to-the-ground attention to tier-based implementation in China helps to illuminate similarities of policing practices across regime type.

Second, while China's sex work public health policies underscore the importance of attending to low-tier sex workers, as they are at greatest risk of HIV/AIDS, public health officials instead focus their outreach efforts disproportionally on hostesses. On one level, these street-level bureaucrats struggle to access sex workers who are most in need of health interventions, which resonates with the experiences of colleagues working in any place where prostitution is against the law. For instance, the most vulnerable sex workers everywhere hesitate to engage with the state when the threat of arrest hovers over them.[34] Yet the difficulties that Chinese health officials face in their work also point to challenges of conducting health outreach that are specific to an authoritarian regime. Transparency is not the CCP's strong suit. For Chinese health officials, this means that they have much to lose and

[30] Elizabeth Bernstein, *Temporarily Yours: Intimacy, Authenticity, and the Commerce of Sex* (Chicago: University of Chicago Press, 2007). In fact, a key part of her argument underscores how little formal policy actually matters. These cities sit on different parts of the spectrum of regulatory possibilities for prostitution (criminalization, decriminalization, and legalization), yet in practice they all converge: "The common focus of state interventions has been on eliminating the visible manifestations of poverty and deviance . . . from urban spaces, rather than the exchange of sex for money per se" (164).

[31] Prabha Kotiswaran, *Dangerous Sex, Invisible Labor: Sex Work and the Law in India* (Princeton, NJ: Princeton University Press, 2011), 229.

[32] Kotiswaran, 229.

[33] Hualing Fu and Weitseng Chen, eds., *Regime Type and Beyond: The Transformation of Police in Asia* (Cambridge: Cambridge University Press, 2023).

[34] This is one of the main reasons why the global public health community advocates for the decriminalization of prostitution worldwide. UNDP, "Risks, Rights & Health" (UNDP, 2012), perma.cc/MRZ7-NSFC.

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little to gain from reporting accurate rates of HIV/AIDS among sex workers in the community if those rates are high. This political reality makes hostesses attractive targets for HIV/AIDS testing, since they bring rates down, and also lies behind other deviations from formal rules that have alarming public health consequences.

STATE–SOCIETY RELATIONS IN CHINA

Prostitution is not the lens scholars typically use to make sense of how the state and society experience and engage with one another in contemporary China. Most research on state–society relations in China focuses on citizens such as workers or peasants who may challenge the state but who also form the CCP's bedrock of legitimacy.[35] In contrast, sex workers represent what the party stands against ideologically. Indeed, when the CCP sought to eradicate prostitution after coming to power in 1949, it referred to prostitution as "a sequel to the savage and bestial system of former exploiters and power holders to ruin the spirit and the body of women and to tarnish their dignity."[36] Female sex workers are considered the dregs of Chinese society. The challenges and stigma they face can differ depending on whether they are soliciting a poor migrant man on the streets or living as a kept woman for an elite client. Yet in most cases, sex workers are poor female migrants who are both breaking the law and engaging in behavior that China's state and society condemn on moral grounds. In a country whose citizens all occupy precarious positions vis-à-vis the state, these characteristics of sex workers place them among the very weakest in society.

Logistically speaking, there is a good reason why we do not know a lot about how sex workers experience the state in China. Fieldwork is never easy in the country, and accessing individuals who engage in illegal behavior only complicates the task; all the more so when they are being asked to talk about the state. Yet there is also a substantive reason

[35] See, e.g., Mary Gallagher, *Authoritarian Legality in China: Law, Workers, and the State* (New York: Cambridge University Press, 2017); Linda Wong, "Chinese Migrant Workers: Rights Attainment Deficits, Rights Consciousness and Personal Strategies," *China Quarterly* 208 (2011); Ethan Michelson, "Justice from Above or Below? Popular Strategies for Resolving Grievances in Rural China," *China Quarterly* 193 (2008): 43–64; Kevin J. O'Brien and Lianjiang Li, *Rightful Resistance in Rural China*, 1st ed. (New York: Cambridge University Press, 2006); Diana Fu, *Mobilizing without the Masses: Control and Contention in China* (New York: Cambridge University Press, 2017).

[36] Henriot, "La Fermeture," 467. Henriot quotes an editorial from the December 1949 issue of *Xin Zhongguo Funv* (Women of New China), the official publication of the national organization for women, the All-China Women's Federation.

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why more respectable members of society attract greater attention from scholars. A question that lies at the core of much research on contemporary politics and law in China is what we can learn about the stability of the CCP and possibilities for political change. It makes sense to search for answers in places that hold the most promise: among communities of individuals who seem best situated to push back against the state in ways that might leave a mark. Ordinary workers and peasants – who benefit from multiple forms of political, legal, and moral legitimacy in contemporary China – are obvious candidates.[37] Lawyers are also attractive objects of academic attention – since litigation can be a powerful source of social change, it makes sense to pay attention to these societal elites who can challenge the state through the legal system.[38] It helps that all of these high-status individuals regularly make themselves heard through protests and lawsuits. Such public manifestations of displeasure have a strong pull on researchers looking for instances of state–society contestation. In comparison, female sex workers hardly stand out as a community of interest to scholars who care about societal dissatisfaction as a source of pressure on the state. Women who sell sex in China are illegitimate in multiple ways that give the state and, by extension, students of politics and law little reason to view them as particularly threatening, a view bolstered by the observation that they only rarely voice their grievances publicly. But Joel Migdal reminds us that social forces are "often low-profile or even invisible,"[39] and female sex workers embody this characterization more than the groups that have previously been the object of research on state–society relations in China. In short, by focusing on how female sex workers experience and think about the state in China, I bring forth a story that has previously been overlooked in favor of communities that provide more low-hanging fruit to scholars who care about political change.

Yet it should come as no surprise that female sex workers have plenty to say about how they experience the state, and that it shapes their behavior in innumerable ways. Researchers who care about power, politics, and law have long seen the value in examining what Michel

[37] See, e.g., Gallagher, *Authoritarian Legality in China*; Fu, *Mobilizing without the Masses*; O'Brien and Li, *Rightful Resistance in Rural China*.

[38] See, e.g., Eva Pils, *China's Human Rights Lawyers: Advocacy and Resistance* (London: Routledge, 2014); Rachel E. Stern, *Environmental Litigation in China: A Study in Political Ambivalence* (New York: Cambridge University Press, 2013).

[39] Joel S. Migdal, "Foreword," in *The Everyday Life of the State: A State-in-Society Approach*, ed. Adam White (Seattle: University of Washington Press, 2013), xii.

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de Certeau calls "tales of the unrecognized,"[40] and, in the words of James Scott, bringing to light their "hidden transcripts."[41] Likewise, Patricia Ewick and Susan Silbey urge us to seek out the "often unseen and unrecognized practices of the weak against the strong."[42] Doing so is important for understanding tensions between the state and society, because open confrontations are rare; instead, "most of the political struggle of subordinate groups is conducted in more ambiguous territory."[43] Scholars of China's upstanding citizens know this well. For instance, Diana Fu finds that labor organizations affect how individuals "think and talk about their rights in a fundamental way that constitutes a core element of political change."[44] And Rachel Stern steers us away from a search for "signs of major transitions" to instead "remain attuned to changes that leave the top leadership largely untouched," as "the steady pressure of litigation can rework the legal system from within."[45] These studies show the value of looking for subtle challenges to the state in hidden spaces, and I find the same to be true among a population that is much more marginalized in Chinese society.

More importantly, the possibility that challenges to authority that occur behind closed doors may presage larger political shifts is not necessary to justify inquiry into sex worker experiences of state power. Instead, there is intrinsic value in seeking out and bringing forth the voices of the most oppressed. Ultimately, the sex worker narratives that I share in this book deserve attention because they are too often silenced, and glossing over them contributes to the continued marginalization of this population. As Ewick and Silbey observe with respect to the expressions of resistance of ordinary people in the United States, "[r]egardless of their political significance . . . [they] stand as important in their own right . . . [t]o ignore [them] . . . because they are momentary and private is to reinscribe the relations of power they oppose."[46] This

[40] Michel De Certeau, *The Practice of Everyday Life*, trans. Steven F. Rendall, 1st US ed. (Berkeley: University of California Press, 1984). Cited in Patricia Ewick and Susan S. Silbey, *The Common Place of Law: Stories From Everyday Life* (Chicago: University of Chicago Press, 1998), 14.

[41] James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts*, 1st ed. (New Haven, CT: Yale University Press, 1990).

[42] Ewick and Silbey, *The Common Place of Law*, 1998, 188.

[43] Scott, *Domination and the Arts of Resistance*, 202.

[44] Fu, *Mobilizing without the Masses*, 142.

[45] Stern, *Environmental Litigation in China*, 2013, 234.

[46] Ewick and Silbey, *The Common Place of Law*, 1998, 14.

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observation holds even greater weight with respect to female sex workers in authoritarian China today.

Turning to the state, my examination of the regulation of sex work considers separately its different interests in prostitution: policing, public health, and commercial. It also focuses on the experiences and practices of state actors responsible for implementing policies on the ground and remains attuned to how their behaviors compare to the formal letter of the law. Political scientists sometimes call this a disaggregated approach to understanding the state, an approach that eschews its reification and instead takes as a starting point the observation that "the state speaks with many, contradictory voices."[47] When I look at one issue area – prostitution – and tease out the different types of state policies and agencies that have a stake in its regulation, I am disaggregating the state horizontally. And when I examine separately the intentions of the central government and the practices of its local officials, I am disaggregating it vertically. Research on the Chinese state has long demonstrated the value in taking these dimensions seriously.

In some instances, such studies are primarily situated within the state, focused on bureaucratic politics and questions of fragmented authoritarianism.[48] I add to them a focus on the very frontlines of the state: the street-level bureaucrats (police officers and health officials) who are implementing policy on the ground.[49] Suzanne Scoggins places

[47] Rachel E. Stern and Kevin J. O'Brien, "Politics at the Boundary: Mixed Signals and the Chinese State," *Modern China* 38, no. 2 (March 1, 2012): 177, https://doi.org/10.1177/0097700411421463.

[48] See, e.g., Kenneth Lieberthal and Michel Oksenberg, *Policy Making in China: Leaders, Structures, and Processes* (Princeton, NJ: Princeton University Press, 1988); Andrew C. Mertha, *The Politics of Piracy: Intellectual Property in Contemporary China* (Ithaca, NY: Cornell University Press, 2005); Andrew C. Mertha, *China's Water Warriors: Citizen Action and Policy Change* (Ithaca, NY: Cornell University Press, 2008); Andrew Mertha, "'Fragmented Authoritarianism 2.0': Political Pluralization in the Chinese Policy Process*," *The China Quarterly* 200 (December 2009): 995–1012, https://doi.org/10.1017/S0305741009990592; Suzanne E. Scoggins, *Policing China: Street-Level Cops in the Shadow of Protest*, Studies of the Weatherhead East Asian Institute, Columbia University (Ithaca, NY: Cornell University Press, 2021).

[49] Michael Lipsky, *Street-Level Bureaucracy: Dilemmas of the Individual in Public Services* (New York: Russell Sage Foundation, 1980). Had I conducted a bureaucratic politics study in the style of Andrew Mertha's work (see previous footnote), China's Ministry of Culture (as of 2018, its Ministry of Culture and Tourism) would have featured more prominently, as it regulates many of the physical entertainment spaces that harbor prostitution. It stays on the periphery of this book because, in contrast to police officers and health officials, agents of the Ministry of Culture rarely intervene directly in the lives of sex workers.

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herself there for her study of police officers in China.[50] Yet we know less about interagency dynamics at this local level of analysis, and my account of how health officials and police officers contend with one another and the economic interests of the local government around a specific issue area – prostitution – speaks to that aspect of interactions within the state. In addition, we know that China's street-level officials, like their colleagues in other parts of the world,[51] have significant discretion in their professional lives.[52] Yet we know less about what they do with that autonomy, particularly beyond the area of stability maintenance.[53] Scoggins paints a portrait of local police officers as too under-resourced and overburdened to take advantage of their discretion.[54] When it comes to regulating the sex industry, such pressures certainly weigh heavily on police officers, as well as on their health official colleagues. Yet the street-level bureaucrats I observed nevertheless – indeed, by necessity – make use of their independence to engage in numerous creative strategies to fulfill aspects of their professional responsibilities.

In other instances, studies of Chinese politics that are committed to a disaggregated view of the state are more attuned to societal experiences with the state.[55] The weight I place on how female sex workers think, talk, and act in relation to the regulations that govern their lives

[50] Scoggins, *Policing China*. Examples of other recent studies also focused on the front lines of one agency include Iza Ding's ethnography of a municipal environmental protection bureau (Iza Yue Ding, *The Performative State: Public Scrutiny and Environmental Governance in China* (Ithaca, NY: Cornell University Press, 2022), https://doi.org/10.1515/9781501760396); Zang and Musheno's study of *chengguan* officers (Xiaowei Zang and Michael Musheno, "Exploring Frontline Work in China," *Public Administration* 95, no. 3 (2017): 842–55, https://doi.org/10.1111/padm.12340; and Rui Hou's ethnographic fieldwork in the petition bureau of one district government in Beijing (Rui Hou, "Maintaining Social Stability without Solving Problems: Emotional Repression in the Chinese Petition System," *The China Quarterly* 243 (2020): 635–54, https://doi.org/10.1017/S0305741019001528).

[51] Lipsky, *Street-Level Bureaucracy*; Shannon Portillo and Danielle S. Rudes, "Construction of Justice at the Street Level," *Annual Review of Law and Social Science* 10, no. 1 (2014): 321–34, https://doi.org/10.1146/annurev-lawsocsci-102612-134046; Thomas B. Pepinsky, Jan H. Pierskalla, and Audrey Sacks, "Bureaucracy and Service Delivery," *Annual Review of Political Science* 20, no. 1 (2017): 249–68, https://doi.org/10.1146/annurev-polisci-051215-022705.

[52] See, e.g., Ching Kwan Lee and Yong Hong Zhang, "Seeing Like a Grassroots State: Producing Power and Instability in China's Bargained Authoritarianism," in *To Govern China: Evolving Practices of Power*, ed. Vivienne Shue and Patricia M. Thornton (New York: Cambridge University Press, 2017), 182.

[53] For insight into some of the strategies street-level bureaucrats adopt in the area of stability maintenance, see Lee and Zhang, "Seeing Like a Grassroots State" and Fu, *Mobilizing without the Masses*.

[54] Scoggins, *Policing China*, 96.

[55] See, e.g., Stern and O'Brien, "Politics at the Boundary"; Stern, *Environmental Litigation in China*; Fu, *Mobilizing without the Masses*.

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and the street-level officials who enforce them places me squarely in this tradition. Yet as noted earlier, female sex workers are more marginalized than the societal groups other scholars interested in the state in contemporary China have studied. A close look at how health officials and police officers interact with sex workers reveals plenty of unsurprising behavior, considering the power dynamics involved – such as forced HIV/AIDS testing, arbitrary detention, physical abuse, and extraction of bribes and free sexual services. Yet it also reveals the weakness of these street-level bureaucrats. For instance, local health officials struggle to conduct outreach to the sex industry, which is averse to public health interventions. These state workers frequently find themselves trying to cajole their way into communities of sex workers, with limited alternatives when the door remains shut. And local law enforcement officers expend considerable effort on maintaining open lines of communication with members of the sex industry, requesting sex workers to lay low at certain times, urging them to reach out for assistance when they face harm, and providing them with the tools to do so. We know that on the front lines, even members of one of China's most powerful bureaucracies – the police – are weak when it comes to issues of everyday order maintenance.[56] Observing interactions between health and law enforcement officials on the one hand, and sex workers on the other, underscores just how weak these state actors are, even in relation to some of the lowest-standing members of society. These interactions bring to light the choices, strategies, and effort that the precarity of street-level bureaucrats entails, and the unexpected dependence of frontline officials upon a cooperative sex industry to fulfill their professional responsibilities.

The Dual State

A key characteristic of the state that emerges from disaggregating it to understand the regulation of prostitution in China is the street-level bureaucrat's independence and vulnerability. Yet China's patterns of prostitution-related law enforcement also speak to another approach to understanding state–society relations in the country – the dual state.[57] This concept identifies the coexistence of two systems of justice in authoritarian regimes: one for ordinary problems and another for

[56] Scoggins, *Policing China*.
[57] Ernst Fraenkel, *The Dual State: A Contribution to the Theory of Dictatorship* (New York: Oxford University Press, 1941).

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political challenges.[58] With specific attention to law enforcement, the concepts of "low policing" (which concerns everyday crime control) and "high policing" (which focuses on explicitly political issues that pose a direct challenge to the state) encapsulate a similar bifurcation.[59] The policing of sex work in China generally falls under the sphere of ordinary issues and low policing, and that is the space occupied by the struggling street-level bureaucrat. Yet the CCP can also pull prostitution out of that realm and into the world of high-level politics. Specifically, when the party seeks to orchestrate the downfall of elites who challenge the CCP's legitimacy through egregious corruption, public criticism, or blatant flouting of major directives, the individual's engagement in prostitution becomes one of the allegations publicly used to cement his demise.

The recognition that dual systems of justice coexist within an authoritarian regime is immensely valuable for providing nuanced accounts of how its state and society interact.[60] And it makes sense to reflect upon the types of actions and issues that fall more easily into the worlds of the "ordinary" or the "political." For instance, private law in China is generally considered to operate relatively unfettered by the state, in contrast to the regulation of the media, religion, and ethnic affairs.[61] When I underscore that the exchange of sex for money or other material goods is present in both realms of the bifurcated state, I also draw attention to the limits inherent in sorting specific behaviors into these two realms. The line between an ordinary issue in China and a political one is often blurry,[62] and the CCP does this by design. One of

[58] See, e.g., Jothie Rajah, *Authoritarian Rule of Law: Legislation, Discourse and Legitimacy in Singapore*, Revised ed. (New York: Cambridge University Press, 2012); Sida Liu and Terence C. Halliday, *Criminal Defense in China: The Politics of Lawyers at Work* (Cambridge: Cambridge University Press, 2016), 181; Pils, *China's Human Rights Lawyers*; Kathryn Hendley, "Resisting Multiple Narratives of Law in Transition Countries: Russia and Beyond," *Law & Social Inquiry* 40, no. 2 (2015): 531–52, https://doi.org/10.1111/lsi.12132.

[59] Jean-Paul Brodeur, "High Policing and Low Policing: Remarks about the Policing of Political Activities," *Social Problems* 30, no. 5 (1983): 507–20, https://doi.org/10.2307/800268; Scoggins, *Policing China*.

[60] See, e.g., Rajah, *Authoritarian Rule of Law*; Liu and Halliday, *Criminal Defense in China*, 181; Pils, *China's Human Rights Lawyers*; Hendley, "Resisting Multiple Narratives of Law in Transition Countries." That said, some scholars question the applicability of the dual state model to China. See, e.g., Donald C. Clarke, "Is China a Dual State?," SSRN Scholarly Paper (Rochester, NY, December 15, 2022), https://doi.org/10.2139/ssrn.4317126. Clarke argues that the dual state idea is not helpful because the alleged distinction between the "ordinary" and the "political" finds no institutional expression in China.

[61] Hualing Fu, "Duality and China's Struggle for Legal Autonomy," *China Perspectives* 1, no. 116 (2019): 3–10. Broadly speaking, private law deals with interactions between private parties, and public law involves interactions with the state.

[62] Stern, *Environmental Litigation in China*, 230.

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the greatest tools that an authoritarian state has at its disposal is its ability to obfuscate the boundaries of the permissible so that its citizens are left guessing as to how their actions will be received.[63] Elites who fall from grace may have forgotten that no one is immune to this defining characteristic of the regime, as the CCP turns the purchase of sex – an illegal but widespread behavior – into prime evidence of its target's misdeeds.

Human Relationships

My approach to understanding state–society relations in China – immersion in the daily lives of both state officials and members of society, including in the spaces where those lives intersect – also underscores the central role that human relationships play in these dynamics. Many studies have emphasized the importance of relationships, or *guanxi* (关系), for understanding a wide array of issues relevant to the social scientific study of China.[64] What I highlight here is less of a culturally specific, and more of a universal, reflection on connections between human beings. At the heart of state–society relations lie the actual interactions that occur between an individual who represents the state and a member of society. If we disaggregate the state and society all the way down to their smallest units of analysis, we arrive at a human-to-human exchange. This observation came alive to me powerfully when I would sit back and watch daily life unfold in Xizhou, the location of this chapter's opening anecdote. In the late afternoon, a scene would unfold where local government actors, sex workers, pimps, and other members of the community would all commingle in the central square. Middle and high school boys would be playing a basketball game on one half of the square's court, while members of the neighborhood government association (居委会 – *juweihui*) would start their own game on the court's other half. Right next to the basketball court, a group of retirees would assemble for ballroom dancing, with music blasting from their boombox. Sex workers would sit on the steps in front of their venues or huddle in small groups in the square, chatting with friends. Children returning home

[63] Stern and O'Brien, "Politics at the Boundary."

[64] See, e.g., Thomas Gold, Doug Guthrie, and David Wank, eds., *Social Connections in China: Institutions, Culture, and the Changing Nature of Guanxi* (New York: Cambridge University Press, 2002); Andrew B. Kipnis, *Producing Guanxi: Sentiment, Self, and Subculture in a North China Village* (Durham, NC: Duke University Press, 1997); Mayfair Mei-hui Yang, *Gifts, Favors, and Banquets: The Art of Social Relationships in China* (Ithaca, NY: Cornell University Press, 1994).

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from school would stream through the square, stopping for snacks from the food stand vendors, and weave their way around the dancers, the basketball players, and the sex workers. These disparate groups sometimes seemed like they were leading unrelated lives while superimposed onto a shared physical space. Yet they also recognized one another's presence and would enter into dialogue with each other. When I stood outside one afternoon watching the two basketball games with Chen Ge, a pimp running a low-tier mom-and-pop brothel, Wang Zhuren, a local health official, came over from his nearby office to watch also. They struck up conversation, starting with a discussion of the pros and cons of legalizing prostitution in China, before moving on to evaluating the basketball skill levels of various players on the court – two individuals simply chitchatting on a sunny day. Both directly and indirectly, most pages of this book bear witness to such encounters. They remind us that as human beings, we share certain ways of connecting with each other that transcend the roles we might play within the state or society and, beyond that, even the impact that borders can have on our lives.

Gender

Earlier in this chapter, I mentioned two explanations for why previous studies of state–society relations in China have overlooked female sex workers – they are hard to find, and not the most likely candidates to shed light on political change. There is also a third reason: Prostitution is generally studied within disciplines and subdisciplines that place gender and sexuality at the heart of their intellectual inquiry. Sociologists and anthropologists often conduct research on this topic,[65] and political and legal scholarship on sex work is often framed in terms of gender politics and feminist legal theory – subfields that are not at the center of political science and law.[66] Social science work that situates itself primarily outside of those gender and sexuality-focused realms of academia, including inquiries into dynamics between the state and society and questions of regulation and its implementation,

[65] See, e.g., Bernstein, *Temporarily Yours*; Zheng, *Red Lights*.

[66] See, e.g., Joyce Outshoorn, ed., *The Politics of Prostitution: Women's Movements, Democratic States, and the Globalisation of Sex Commerce* (Cambridge: Cambridge University Press, 2004); Vanessa Munro and Marina Della Giusta, eds., *Demanding Sex: Critical Reflections on the Regulation of Prostitution* (Burlington, VT: Ashgate, 2008); Kotiswaran, *Dangerous Sex, Invisible Labor*; Janet Halley, Prabha Kotiswaran, Hila Shamir, and Chantal Thomas, "From the International to the Local in Feminist Legal Responses to Rape, Prostitution/Sex Work, and Sex Trafficking: Four Studies in Contemporary Governance Feminism," *Harvard Journal of Law & Gender* 29 (2006): 335.

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tends not to consider that the study of prostitution can provide insight into issues other than gender and sexuality.

A number of studies prior to mine have contributed to correcting this imbalance. For instance, Elizabeth Remick situates her study of the regulation of prostitution in the early decades of the twentieth century in China around questions of statebuilding,[67] and Samantha Majic locates her research on sex worker health-service organizations in the Bay Area in the 2000s in the literature on social movements.[68] Reactions to these efforts, and to my research, show how much work remains to legitimize the study of prostitution outside the realms of gender and sexuality. On the one hand, scholars within these subfields of gender and sexuality have called out these projects for neglecting the gendered realities of prostitution in the process of emphasizing other theoretical approaches to the issue.[69] On the other hand, mainstream political science and legal academia still struggle to understand prostitution as a serious area of inquiry that can enrich those disciplines.

It is not unreasonable to expect a study of female sex workers in China to explicitly address questions of gender and the state in contemporary China. After all, the CCP demonstrates deep tension around the issue. Gender equality is one of the ideological pillars of the CCP, encapsulated in the saying "Women hold up half the sky," attributed to Mao Zedong. At the same time, the party's actual treatment of women is dismal. The state urges young, educated urban women to focus less on their careers and more on getting married, lest they become "leftover" women, doomed to a life of being single and lonely.[70] It cracks down, brutally, on its feminist activists.[71] It approaches divorce in ways that disproportionately favor

[67] Remick notes how "[f]ar from being a 'peripheral' social issue, prostitution and its regulation were at the heart of the modern statebuilding project undertaken by Chinese local governments." Elizabeth Remick, *Regulating Prostitution in China: Gender and Local Statebuilding, 1900–1937* (Stanford, CA: Stanford University Press, 2014), 2–3.

[68] Majic shows how, contrary to the literature that assumes that social movements reduce their engagement in oppositional political work as they evolve into formal institutions, the organizations that she studies continue to "foster and promote politically contentious ideas and challenge state policy," and demonstrates how they do so. Samantha Majic, *Sex Work Politics: From Protest to Service Provision* (Philadelphia: University of Pennsylvania Press, 2013), 27.

[69] For instance, Michaele L. Ferguson calls out both Majic and Remick for "largely sidestep[ping] the question of the relation between sex work and gender." Michaele L. Ferguson, "Beyond Gender Politics? Mainstreaming the Study of Sex Work," *Perspectives on Politics* 13, no. 2 (June 2015): 437, https://doi.org/10.1017/S1537592715000250.

[70] Leta Hong Fincher, *Leftover Women: The Resurgence of Gender Inequality in China* (London: Zed Books, 2014).

[71] Leta Hong Fincher, *Betraying Big Brother: The Feminist Awakening in China* (London: Verso Books, 2018).

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husbands over wives.[72] And those are all women with higher standing than sex workers. This book is replete with evidence of the deeply gendered inequality that characterizes how China regulates prostitution. For instance, it is female sex workers, rather than their male clients, who bear the brunt of the regulations that outlaw prostitution, despite formal rules that hold them both responsible. Yet the problem with the expectation that a study of prostitution will address questions of gender is the double standard that it reveals. No one expects studies of elite politics in China to place gender front and center in their analyses. Perhaps they should. As of the 20th National Congress of the CCP in 2022, no woman has ever been a member of the Politburo Standing Committee, the most powerful political body in China.[73] That same event also presented an all-male Politburo (the larger and second-most powerful body), and before 2022 only six women had ever been full members of the Politburo.[74] That questions of gender are often the first to emerge in reaction to a study on the regulation of prostitution, and at best an afterthought when reflecting on CCP leadership, is indicative both of the need for more studies on sex work that do not situate themselves primarily in questions of gender and sexuality and of the importance of asking more questions about gender in spaces where such discussion is absent.[75]

[72] Ke Li, "'What He Did Was Lawful': Divorce Litigation and Gender Inequality in China," *Law & Policy* 37, no. 3 (2015): 153–79, https://doi.org/10.1111/lapo.12034; Ke Li, *Marriage Unbound: State Law, Power, and Inequality in Contemporary China* (Stanford, CA: Stanford University Press, 2022); Ethan Michelson, *Decoupling: Gender Injustice in China's Divorce Courts* (New York: Cambridge University Press, 2022); Xin He, *Divorce in China: Institutional Constraints and Gendered Outcomes* (New York: NYU Press, 2021).

[73] Alexandra Stevenson, "Leadership Changes Reveal that in China, Men Still Rule," *The New York Times*, October 23, 2022, https://perma.cc/B599-WGT8.

[74] Stevenson; Shen Lu, "Pretty Lady Cadres," *ChinaFile*, December 21, 2020, perma.cc/N375-U9VS.

[75] There has been some recent movement on this front. See, e.g., Xinhui Jiang, "Gendered Pathways to the County-Level People's Congress in China," *The China Quarterly* 249 (March 2022): 68–90, https://doi.org/10.1017/S0305741021001156; and Xinrui Feng, Yue Hou, and Mingxing Liu, "Underrepresented Outperformers: Female Legislators in the Chinese Congress," *The China Quarterly* 257 (March 2024): 59-74, https://doi.org/10.1017/S0305741023001157. Focused on China in the 1950s and 1960s, political scientist Neil Diamant's study of the Marriage Law illustrates how another topic typically excluded from mainstream political science and more often studied in fields that traditionally focus more on gender – family relations – sheds valuable light on state–society relations in Chinese history. Neil J. Diamant, *Revolutionizing the Family: Politics, Love, and Divorce in Urban and Rural China, 1949–1968*, 1st ed. (Berkeley: University of California Press, 2000).

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Transnational Influences

Lastly, no account of what sex work teaches us about state–society relations in contemporary China is complete without a reflection on transnational influence, which affects both how the state regulates prostitution as a public health issue and how some sex workers experience prostitution and the state's interventions in their lives. The global public health community has shaped both the content of China's prostitution health policies (which reflect international best practices) and the health officials who administer them (and who approach the issue of sex work with transnational language and ideas). Yet street-level bureaucrats in China veer far from these transnational ideals when implementing public health policies, in ways that are harmful to both sex workers and the general public. Strikingly, the same international health community that has invested heavily in creating a domestic health infrastructure in China to its liking is noticeably disengaged from the realities of local implementation. Like many others who study how global policies intersect with local realities, I identify a deep and alarming disconnect between the intentions of transnational actors and what actually happens on the ground.[76]

Yet the news is not all bleak. Most research that examines linkages between global actors and local society is attuned to the effects of transnational ideas and practices on societal elites.[77] The international

[76] See, e.g., Mark Fathi Massoud, *Law's Fragile State: Colonial, Authoritarian, and Humanitarian Legacies in Sudan* (Cambridge: Cambridge University Press, 2013), 4, 12, 181; Sally Engle Merry, *Human Rights and Gender Violence: Translating International Law into Local Justice* (Chicago: University of Chicago Press, 2006), 3; Joel Migdal, *State in Society: Studying How States and Societies Transform and Constitute One Another*, Later Printing Used ed. (New York: Cambridge University Press, 2001), 141–42; Suli Zhu, "The Party and the Courts," in *Judicial Independence in China: Lessons for Global Rule of Law Promotion*, ed. Randall Peerenboom, 1st ed. (New York: Cambridge University Press, 2009), 65; Randall Peerenboom, "Introduction," in *Judicial Independence in China: Lessons for Global Rule of Law Promotion*, ed. Randall Peerenboom, 1st ed. (New York: Cambridge University Press, 2009), 4; David M. Trubek, "Law and Development: Forty Years after 'Scholars in Self-Estrangement,'" *University of Toronto Law Journal* 66, no.3, May 19, 2016: 301–29, https://doi.org/10.3138/UTLJ.3671; Elanah Uretsky, *Occupational Hazards: Business, Sex, and HIV in Post-Mao China* (Stanford, CA: Stanford University Press, 2016), 175; Katherine A. Mason, *Infectious Change: Reinventing Chinese Public Health after an Epidemic* (Stanford, CA: Stanford University Press, 2016), 34–35.

[77] Sidney G. Tarrow, *The New Transnational Activism* (New York: Cambridge University Press, 2005); Rachel E. Stern, "Unpacking Adaptation: The Female Inheritance Movement in Hong Kong," *Mobilization: An International Quarterly* 10, no. 3 (October 1, 2005): 421–39; Sally Engle Merry and Rachel E. Stern, "The Female Inheritance Movement in Hong Kong: Theorizing the Local/Global Interface," *Current Anthropology* 46, no. 3 (2005): 387–409; Peggy Levitt and Sally Merry, "Vernacularization on the Ground: Local Uses of Global Women's Rights in Peru, China, India and the United States," *Global Networks* 9, no. 4 (October 1, 2009): 441–61.

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community seeks them out due to ease of access, which, in a country such as China, includes being located in Beijing and speaking English.[78] My focus on some of China's most downtrodden citizens expands the horizon: It reveals a smattering of poor, uneducated migrants, whose daily lives are not enmeshed in international communities, but who nevertheless speak the language of the global sex worker rights movement, and whose consciousness has been powerfully transformed by its ideas. This observation shows transnational influence taking root in places far removed from the surface where it is usually sought out.

And while I identify the transnational ideas that have made their mark on prostitution in China, one element of international concern is conspicuously absent from this book: the concept of sex trafficking. In the United States, it is difficult to talk about sex work without also talking about sex trafficking, in large part due to the abolitionist movement that has sought to reframe all prostitution as trafficking.[79] That movement has powerfully shaped not only how the US government approaches the issue of prostitution domestically but also how it engages with the issue internationally.[80] In India, for instance, global trafficking narratives play a pivotal role in shaping debates about the regulation of sex work, and the United States has influenced prostitution law reform efforts in the country.[81] Sex trafficking, in the sense of nonconsensual participation in the sex industry, certainly occurs in China, and I highlight the instances when I encountered trafficking narratives in my fieldwork. In addition, concern for trafficking and policy attention to it are on the rise in China.[82] Yet the issue does not dominate conversations about prostitution in the way it has in the United States or India. Indeed, the concept of sex trafficking rarely came up during my fieldwork, either within communities of sex workers or in interactions with state actors, as I asked about their everyday experiences with the implementation of prostitution regulations. In

78 Stern, *Environmental Litigation in China*, 188.

79 Elizabeth Bernstein, "The Sexual Politics of the 'New Abolitionism,'" *Differences* 18, no. 3 (December 1, 2007): 128–51, https://doi.org/10.1215/10407391-2007-013. For more on American legal discourse on sex trafficking and sex work, see Ben Chapman-Schmidt, "'Sex Trafficking' as Epistemic Violence," *Anti-Trafficking Review*, no. 12 (April 29, 2019): 172–87, https://doi.org/10.14197/atr.2012191211.

80 Bernstein, "The Sexual Politics of the 'New Abolitionism.'"

81 Kotiswaran, *Dangerous Sex, Invisible Labor*, 6–9.

82 See, e.g., Bonny Ling, "Prostitution and Female Trafficking in China: Between Phenomena and Discourse," *China Perspectives*, no. 2018/1–2 (June 1, 2018): 65–74, https://doi.org/10.4000/chinaperspectives.7742.

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short, my book is not about sex trafficking because that global narrative did not weave its way into the trenches of the state, society, and the regulation of prostitution in China under Hu Jintao.[83]

PROSTITUTION AND ITS REGULATION

In addition to its contributions to our understanding of state–society relations in China, this book also builds on, and informs, scholarship on sex work and its regulation. In particular, it engages with other studies on sex work in contemporary China and Chinese history, as well as sociolegal studies of sex work in other countries.

Research on contemporary China has a lot to say about female sex work. Sexologist Pan Suiming pioneered the study of sex and sexuality in China, and has carried out an abundance of studies of female sex workers since he started his research on sexual attitudes and behaviors in post-Mao China in the 1980s.[84] Anthropologist Tiantian Zheng studies the nexus of prostitution, masculinity, power, and the state through an ethnography centered around three karaoke bars (high-, middle-, and low-tier) in the city of Dalian.[85] Anthropologist Yeon Jung Yu studies how social networks influence the lives of female sex workers.[86] Sociologist Suowei Xiao examines how second wives and

[83] It is beyond the scope of this book to examine why the global HIV/AIDS narrative has penetrated China's state and society deeply, while the global narrative on sex trafficking has made fewer inroads. The question could be a promising area of inquiry for a scholar of social movements. In this respect, China stands in noted contrast to India, for example. Kotiswaran notes how the "contemporary figure of the Indian sex worker is thus suspended between the two international agendas of abolition and public health control, both motivated by contradictory goals." Kotiswaran, *Dangerous Sex, Invisible Labor*, 9. (The term "abolition" here is shorthand for the position of individuals who believe that all prostitution is sex trafficking and who advocate for the abolition of all sex work.)

[84] See, e.g., Pan Suiming (潘绥铭), *Cunzai Yu Huangmiu: Zhongguo Dixia "Xingchanye" Kao Cha (存在与荒谬：中国地下"性产业"考察) [Existing in Falsehoods: An Investigation of China's Underground "Sex Industry"]* (Beijing: Qunyan Press (群言出版社), 1999); Pan Suiming et al. (潘绥铭等), *Chengxian Yu Biaoding: Zhongguo "Xiao Jie" Shen Yanjiu (呈现与标定：中国"小姐"深研究) [Performing and Labeling: In-Depth Study on Female Sex Workers in China]* (Kaohsiung: Wanyou Press (万有出版社), 2005); Pan Suiming (潘绥铭), Huang Yingying (黄盈盈), and Liu Zhenying (刘振英), *Qingjing Yu Ganwu: Xinan Zhongguo Sange Hongdengqu Tansuo (情境与感悟：西南中国三个红灯区探索) [Situation and Inspiration: Study on Three Red Light Districts in Southwest China]* (Kaohsiung: Wanyou Press (万有出版社), 2005); Pan Suiming et al. (潘绥铭等), *Xiaojie: Laodong De Quanli: Zhongguo Dongnan Yanhai Yu Dongbei Chengshi De Duizhao Kaocha (小姐：劳动的权利：中国东南沿海与东北城市的对照考察) [Female Sex Workers: The Rights of Labor: Comparative Study between Southeastern and Northeastern Chinese Cities]* (Hong Kong: Hong Kong Dadao Press (香港大道出版社), 2005).

[85] Zheng, *Red Lights*.

[86] Yeon Jung Yu, "Positional Embodiment: How Networks Shape the Lived Experiences of the Bodies of Female Sex Workers in Post-Socialist China," *Gender, Work & Organization* 29, no. 3 (2022): 953–70, https://doi.org/10.1111/gwao.12753.

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their clients enter into such relationships in search of dignity, distinction, and belonging, focused on both rural and urban women, and worker and business-elite men.[87] Sociologist Eileen Yuk-ha Tsang examines questions of intimacy, masculinity, and criminal justice through an ethnography of low-end, mid-tier, and high-end female sex workers and their clients in the southern city of Dongguan.[88] Susanne Y. P. Choi, also in sociology, has explored issues tied to agency and victimhood of female sex workers,[89] and Choi's work with Ruby Y. S. Lai examines questions of stigma.[90] Public health researchers have carried out a wealth of studies on female sex workers in China, focused largely on their health and sexual behaviors.[91] Through detailed documentary and textual analysis, political scientist and sinologist Elaine Jeffreys analyzes academic and administrative discourses on female prostitution in China to underscore their methodological and political biases, considering the policing of prostitution in China as a practice of Foucauldian governmentality.[92] Legal scholar Sarah Biddulph's study of administrative detention powers in China, rooted in a comprehensive analysis of relevant laws, policies, and other official pronouncements, includes a focus on prostitution and on custody and education centers for sex workers and clients.[93]

This overview of some of the main research on female sex workers in contemporary China reveals that the disciplines of politics and law have rarely turned their attention to contemporary prostitution in China. When they have, it has been through documentary and textual analysis, rather than through the methodologies that lie at the heart of this book: ethnography, interviews, and surveys.

Against this backdrop, I extend the study of female sex work in contemporary China to place a different question at the heart of my analysis: How is sex work regulated on the front lines? While both

[87] Xiao, "China's New Concubines?"; Xiao, *Desire and Dignity*.
[88] Eileen Yuk-ha Tsang, *China's Commercial Sexscapes: Rethinking Intimacy, Masculinity, and Criminal Justice* (Toronto: University of Toronto Press, 2019).
[89] Susanne Y. P. Choi, "State Control, Female Prostitution and HIV Prevention in China," *The China Quarterly* 205 (March 2011): 96–114.
[90] Susanne Y. P. Choi and Ruby Y. S. Lai, "Sex Work and Stigma Management in China and Hong Kong: The Role of State Policy and NGO Advocacy," *The China Quarterly* 247 (September 2021): 855–74, https://doi.org/10.1017/S0305741021000035.
[91] The public health literature on female sex workers in China is vast. See, e.g., Hong and Li, "Behavioral Studies of Female Sex Workers in China."
[92] Jeffreys, *China, Sex, and Prostitution*. Using similar methodologies, Jeffreys has also written extensively on other aspects of prostitution. See, e.g., Elaine Jeffreys, *Prostitution Scandals in China: Policing, Media and Society* (London: Routledge, 2012).
[93] Biddulph, *Legal Reform and Administrative Detention Powers in China*.

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Biddulph and Jeffreys examine the formal policing policies that govern prostitution, I instead focus on the actual implementation of prostitution regulations through the experiences of both sex workers and frontline state actors. Furthermore, I examine the regulation of prostitution not only from the perspective of law enforcement but also from the angle of public health. In contrast to the public health literature on this topic, which is interested mainly in sex worker sexual behavior and disease infection rates, I focus on how health regulators carry out their responsibilities, and how sex workers experience that regulation. In addition, I place the interplay between these two state interests and a third – economic growth – at the heart of my analysis, to examine how it shapes both the behavior of street-level bureaucrats and the experiences of female sex workers.

Although I have few fellow travelers in the study of the regulation of sex work in contemporary China, I am extending a rich literature on the regulation of prostitution in Chinese history. Historian Matthew Sommer, in his analysis of the late Imperial era policies on sexuality, shows how prostitution was regulated differently based on the status of the individuals involved.[94] These distinctions were enshrined within the judicial codes of successive dynasties until the early eighteenth century, and legal case records provide ample evidence of their enforcement. In Imperial times, the law clearly articulated status differences in prostitution. In fact, the entire purpose of the policies was to maintain barriers between social strata and restrict certain practices to their proper place. In contrast, current prostitution policing policies do not formally differ according to the social standing of the individuals involved and make no official distinction between sexual transactions negotiated on the streets for a couple of yuan, and those that occur behind the closed doors of elite entertainment venues for thousands more. It is only in their implementation that these laws reinforce status distinctions. Political scientist Elizabeth Remick examines the regulation of prostitution in Late Qing and Republican China (1900–1937) and its connections to local processes of statebuilding.[95] In bringing to light different models used to control prostitution locally, Remick shows how some official class categorizations of prostitution persisted in the Republican era. For instance, police-run brothels in the city of Kunming clearly identified brothels as low, middle, or high class, where a woman's age and beauty appeared to

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

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determine the class to which police assigned her.[96] Historian Gail Hershatter's study of the lives of female sex workers in Shanghai, starting in the late nineteenth century, also includes an examination of how prostitution is regulated, and class is central to her analysis.[97] Christian Henriot similarly devotes a section of his book to regulation, and maps out the different types of sex workers in Shanghai from the mid nineteenth to mid twentieth centuries.[98]

It is never easy to capture the voices of marginalized individuals and groups within society. Researchers who study the past face the particular challenge of how to do so when those people are no longer around to speak their truths. Remick states upfront that limitations of sources prevented her from examining sex worker experiences with the regulation of prostitution in their lives.[99] Instead, she emphasizes the perspective of the state. Sommer has more luck: The legal case records that serve as the principal source for his study include records of witness testimony that, despite not being verbatim transcripts, are "evidence of an ethnographic nature . . . [that is] as close as we will ever get to the 'voice' of the illiterate in late imperial China."[100] The use of legal case records also means that Sommer is telling a story about how sex is regulated focused on moments when individuals have formally encountered the legal system. They are, in the words of sociologists of law Richard Miller and Austin Sarat, firmly located toward the top of "the dispute pyramid."[101] What slips through the cracks is a view of how individuals experience and understand the law in their daily lives, when they are not entangled with formal legal institutions: what the sociolegal scholars Patricia Ewick and Susan S. Silbey call "the common place of law."[102] In contrast to Sommer's use of legal case records and in line with "the

96 Remick, 163–64.
97 Hershatter, *Dangerous Pleasures*, 1997.
98 Christian Henriot, *Prostitution and Sexuality in Shanghai: A Social History 1849–1949* (New York: Cambridge University Press, 2001).
99 Remick, *Regulating Prostitution in China*, 20–21.
100 Sommer, *Sex, Law, and Society in Late Imperial China*, 26.
101 Richard E. Miller and Austin Sarat, "Grievances, Claims, and Disputes: Assessing the Adversary Culture," *Law & Society Review* 15, no. 3/4 (1980): 525–66, https://doi.org/10.2307/3053502. The "dispute pyramid" metaphor is commonly used to understand the emergence of litigation. The base of the pyramid consists of unperceived injurious experiences. A subset of those – the next level of the pyramid – becomes perceived injurious experiences. Some of these become grievances, where a potential claimant holds someone else responsible for the perceived injury. A subset of those individuals will ask the responsible party for redress. Some of those interactions will then turn into disputes that may progress into claims in the formal legal system. The very tip of the pyramid consists in those claims that are adjudicated.
102 Patricia Ewick and Susan S. Silbey, *The Common Place of Law: Stories from Everyday Life*, 1st ed. (Chicago: University of Chicago Press, 1998).

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common place of law," Hershatter and Henriot's sources allow them to provide us with a view of law in the everyday lives of female sex workers in Shanghai, albeit not directly through their voices. Indeed, Henriot notes that he wrote his study "with the explicit purpose of retelling the history of Chinese prostitutes for themselves, though rarely by themselves and most often through the 'voice' of others."[103] And while Hershatter also notes that the historical record "is not spoken in the voice of the prostitute,"[104] she also shows how they "nevertheless left an audible trace."[105] For instance, she notes that Shanghai papers reported streetwalker arrests and court testimonies and shows how such records "let us glimpse not only the circumstances that brought these women to prostitution, but also the regulatory regimes of the local government and the way that prostitutes positioned themselves to get the most they could from the legal system."[106]

As a scholar of contemporary Chinese law and politics, I was able to hear what female sex workers have to say for themselves. Although the voices of sex workers are not the only sources I use, their words grace many pages of this book. Thus, simply by nature of the fact that I study and learn from people who are still alive, my examination of the regulation of prostitution in China is much more firmly ensconced in society than these historical projects. Of course, the use of sex worker testimony raises many questions: Which sex worker voices does a foreign, white woman hear when she is doing research in an authoritarian country where prostitution is against the law? Which are obscured? To what extent do those voices accurately reflect the lived experiences of their speakers, and how do they instead present distortions of such realities? I address these questions in the appendix of this book.

Lastly, there is a rich and multidisciplinary literature on prostitution outside of China. It includes a wealth of research on the contemporary regulation of prostitution focused on formal rules, regulations, and official policy approaches, methodologically akin to the Jeffreys and Biddulph studies of China mentioned earlier in this chapter,[107] and many historical studies of the regulation of prostitution.[108] Very little of

[103] Henriot, *Prostitution and Sexuality in Shanghai*, xv.
[104] Hershatter, *Dangerous Pleasures*, 1997, 4.
[105] Hershatter, 26.
[106] Hershatter, 26.
[107] See, e.g., Munro and Della Giusta, *Demanding Sex*; Outshoorn, *The Politics of Prostitution*.
[108] See, e.g., Laurie Bernstein, *Sonia's Daughters: Prostitutes and Their Regulation in Imperial Russia* (Berkeley: University of California Press, 1995); Christelle Taraud, *La prostitution coloniale: Algérie, Tunisie, Maroc (1830–1962)* (Paris: Payot, 2003); Philippa Levine, *Prostitution, Race,*

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this research focuses primarily on the lived experiences of regulation among both sex workers and frontline state actors, as I do. That said, studies by Prabha Kotiswaran and Rohit De – both set in India – resonate strongly with mine, as they also place law in the everyday lives of sex workers at the heart of their research.

Like this book, Prabha Kotiswaran's legal ethnography of sex work in contemporary India is rooted in close observation of the daily lives of female sex workers.[109] By immersing herself in the two Indian sex markets of Sonagachi and Tirupati, Kotiswaran examines these markets' political economy and the place of law within them. She distinguishes between formal law and its implementation, and underscores "the layers of normative orders, including formal legal rules, social norms, and market structures that affect the bargaining potentials of various stakeholders in sex markets and the outcomes of their negotiations."[110] Yet in contrast to my approach, an explicit theoretical objective drives Kotiswaran's project: to provide a postcolonial materialist feminist theory that advances the view of sex work as a legitimate form of work (in contrast to an abolitionist perspective, which characterizes all prostitution as sexual slavery).[111] I do not disagree with Kotiswaran's perspective. In fact, readers will find ample empirical evidence in support of the "work position" in this book, with sex workers who poignantly articulate how the exchange of sex for money empowers them in their daily lives, and who can speak arrestingly about their rights and contributions to society. Yet I do not place this issue at the heart of my project, which helps explain a core difference in emphasis in our two projects. The attention I pay to the experiences of street-level police officers and health officials – aimed at bringing to light how they interact with sex workers, each other, and with the state priorities and hierarchies that weigh on them – remains largely in the background of Kotiswaran's study.[112]

Rohit De's book examines how sex workers used the Indian Constitution to challenge a newly enacted antitrafficking law in the

and Politics: Policing Venereal Disease in the British Empire (New York: Routledge, 2003), https://doi.org/10.4324/9780203881941; Alain Corbin, *Women for Hire: Prostitution and Sexuality in France after 1850* (Cambridge, MA: Harvard University Press, 1990).

[109] Kotiswaran, *Dangerous Sex, Invisible Labor*.

[110] Kotiswaran, 241.

[111] I elaborate on these debates on prostitution in Chapter 7.

[112] While Kotiswaran's fieldwork clearly included interactions with a variety of different government actors (see, e.g., Kotiswaran, *Dangerous Sex, Invisible Labor*, 17–19), my point is that their experiences of regulatory implementation are not central to her study.

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1950s, the early years of the new republic.[113] His sources include the full proceedings of the Supreme Court cases he studied, such as lawyers' arguments and transcripts of witness statements. Such documents allow him to hear how some sex workers experience the state, thus bringing forth voices that, as noted earlier, are particularly elusive to historians. And while he guards against any suggestion that "this was the authentic voice of prostitutes," his research also shows how "the Constitution did allow for a voice that represented the prostitute to become visible in a public domain."[114] In contrast to my work, De's research on the place of law in the lives of sex workers is, like Sommer's research on Imperial China, firmly on the top of the dispute pyramid: He tells the story of an exceptional subset of individuals who have chosen to engage with the formal legal system, eventually making their way to the Supreme Court of India.[115] Yet sociolegal scholars must meet the law where it is. I would have found "no there, there" had I looked for the law in the everyday lives of female sex workers in contemporary China in the spaces where De found it in 1950s India. Instead, I found it in more commonplace interactions between sex workers and the state. The result is a close-to-the-ground account of the daily lives of female sex workers, as well as the police officers and health officials who regulate them that shows the centrality of questions of law and rights in places far removed from the formal legal system and its official records.

METHODS, SOURCES, AND SITES

I collected the data for this project through ethnographic observation, interviews, and surveys. I carried out the fieldwork over the course of nineteen months in 2008 and 2009, as well as shorter trips in 2005, 2011, and 2014. Hu Jintao was therefore China's leader during most of my data collection, and my concluding chapter reflects upon changes under Xi Jinping. While I was based primarily in Beijing, Shenzhen, and Guangzhou, I also spent time in Dongguan, Shanghai, Harbin, Shenyang, Changsha, and two smaller cities in Hebei and Hubei

[113] Rohit De, *A People's Constitution: The Everyday Life of Law in the Indian Republic* (Princeton, NJ: Princeton University Press, 2018). De's book also examines how other ordinary citizens use constitutional remedies against various state regulations.

[114] De, 213.

[115] This is not to say that the actions of these individuals were inconsequential for the larger population of female sex workers in India. Far from it: De notes that "this litigation prompted mobilization and associational politics outside the court and brought rights language into the everyday life of the sex trade." De, 20.

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provinces, which I refer to with the pseudonyms of Fushan and Zhengti, respectively.[116] In addition, I carried out research in Hong Kong to interview people with expertise in prostitution in mainland China.

My ethnographic research led me on to the streets and into the parks, small brothels, and entertainment venues where sex workers solicit clients. It also brought me into the offices of law enforcement, health, and other government institutions, and occasionally inside a police car, riding along with officers on patrol. In Shenzhen, I carried out ethnographic observation in two red-light districts: Wanqin and Xizhou.[117] I lived in a hotel in Wanqin that catered to sex workers and clients. A local madam took me under her wing, and I spent my days in the living room of her apartment-brothel, observing sex workers and clients negotiate transactions before retreating into a bedroom. In the early evening, the madam and I would stroll around the neighborhood together. She would introduce me to others in the community and ward off clients inquiring about whether I was a Russian sex worker under her care.[118] In Xizhou, I spent my time outside in the main square, in the local government offices, and inside entertainment venues, talking to sex workers, madams, pimps, and local state officials. In Beijing, I carried out ethnographic observation in the lounge of a sex worker community organization located in the heart of a red-light district. As I became a familiar presence in that space, I connected with sex workers and observed them interact as they would come and go throughout the day – to pick up condoms, ask the staff for medical advice, or take a break. In Zhengti, I ballroom-danced with the police, and also swam and went river tubing with them. I observed police officers play mahjong together and sing karaoke with hostesses in an entertainment venue. At several of my research sites, I distributed condoms and safe-sex brochures alongside local health officials or members of sex work community groups. I absorbed the contrasting vantage points of various societal and state actors by positioning myself alongside different groups in different places. Overall, this

[116] Since these towns are smaller, revealing their actual names could make it possible to identify some of my informants there.

[117] Wanqin and Xizhou are pseudonyms.

[118] Although the vast majority of sex workers in China are Chinese, foreign women, including from Russia, also sell sex in the country. Russian women sell sex in China's northeast, closer to the border with Russia, and also in Shenzhen. I did not focus on them in my research, nor did I encounter any during my fieldwork. Zhi Mo (至墨) and Ouyang Bin (欧阳斌), "Anfang Naxie Zai Zhongguo De Yang Jinv Men (暗访那些在中国的'洋妓女'们) [A Discrete Investigation of Foreign Prostitutes in China]," *Phoenix Weekly* (凤凰周刊), September 8, 2003, perma.cc/4LTN-R2MP.

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ethnographic method provided me with front-row seats to observe regulatory dynamics around prostitution both within and across society and the state.[119] It also helped me develop rapport for in-depth interviewing. I carried out almost two hundred interviews with sex workers, clients, madams, pimps, police officers, health officials, other central and local government officials, as well as staff at both domestic and international organizations working in the areas of health, prostitution, women's rights, policing, and legal services. I also conducted a survey of 568 sex workers in one red-light district in Beijing, and a survey of 89 police officers in southern China. I discuss these research processes in greater depth in the appendices.

ORGANIZATION OF THE BOOK

Part I of the book situates prostitution and its regulation in contemporary China within three dimensions: Chinese history, key characteristics of post-Mao China, and the broader array of possible regulatory approaches to prostitution. Chapter 2 underscores the historical continuities that exist between the status-based patterns of prostitution policy implementation I observe and earlier approaches to regulating sex work in China. It also highlights how prostitution in post-Mao China reflects broader socioeconomic and political developments in the country. Chapter 3 describes the laws, policies, and institutions that govern prostitution in China, and situates them in relation to the spectrum of regulatory possibilities that societies have vis-à-vis the issue.

Part II is about the daily lives of female sex workers. Chapters 4, 5, and 6 focus on the experiences and perspectives of women in the low tier (on the streets and in small brothels), middle tier (hostesses), and upper tier (mistresses), respectively. These chapters bring forth how their lives and attitudes vary depending on the tier of sex work, and cover issues such as work conditions, health risks, perspectives on prostitution, and views of the state. Chapter 7 then examines what they have in common: similar life experiences, comparable thought processes about their engagement in prostitution, and, when they encounter sex worker grassroots organizations, a shared sense of

[119] Although it is on a different topic – the Hui Muslim minority – a book on law and society in China that resonated strongly with my research from this methodological perspective is Matthew S. Erie's ethnography, *China and Islam: The Prophet, the Party, and Law* (New York: Cambridge University Press, 2016).

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empowerment that comes with the consciousness of belonging to a global community of sex worker civil society.

Part III turns to the individuals behind China's prostitution policies: the state actors who implement them and the international ones who shape them. Chapter 8 examines how the police enforce anti-prostitution laws: who they punish and how. Here, it is low-tier sex workers who bear the brunt of the state. Chapter 9 maintains its focus on law enforcement, with specific attention to the extractive and protective ways that police officers interact with sex workers when they are not arresting them. These behaviors mainly affect women in the middle tier of the sex industry, and underscore the delicate balancing act that frontline police must engage in to avoid disrupting the economic benefits that a thriving sex industry brings to the local government. Chapter 10 turns to health policies, and highlights the roles and responsibilities of the global health community in shaping China's approach to prostitution as a public health issue. Chapter 11 then examines how local health officials implement these policies, including their struggles to negotiate pushback from both the sex industry and the police. It uncovers practices that stymie public health goals by overlooking women in the low tier – those most in need of health interventions – and that also harm sex workers. Chapter 12 concludes this study of law in the everyday lives of sex workers, police officers, and public health officials in China with a reflection on changes in China under Xi Jinping and policy implications.

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