

Foreword

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I am honoured to be invited to write this foreword for the *Asian Journal of Law & Society*'s first special-themed issue on sex work. Since its launch in 2015, this Journal has published special-themed issues on subject matters important to Asian law and society scholarship, such as religion, development, legal education, and legal consciousness. This issue continues the tradition by featuring three articles about sex work based on research at three different Asian sites – Japan, Taiwan, and Nepal.

In “Beyond ‘Sex Work’: Japanese Night Work and ‘Shakai-Keiken,’” Aki Kurosawa focuses on “night work,” a type of sex work in Japan that revolves around drinking and conversing with clients. She collected interview and observational data to understand why college women enter this line of work, how they conceptualize the nature of “night work,” and what they gain from engaging in it.

In “Control of Commercial Sex in Taiwan: Observations from Gender and Legal Perspectives,” Carol Lin et al. analyzed legal documents, historical materials, as well as secondary literature to describe how sex work in Taiwan underwent stages of regulation and deregulation from the Qing dynasty up to the contemporary era. Later in the article, they propose an alternative legal model that they argue will better empower and protect sex workers.

In “Advocating Sex Workers’ Rights by Identity-Based Associations in Nepal,” Masako Tanaka examines secondary literature and reports to provide a survey of the legal status of sex work as well as the different types of sex work and sex workers in Nepal. She also draws from interviews with activists from two nonprofit organizations to describe contrasting approaches toward the rights of sex workers.

Although the three articles focus on details specific to their respective research sites and do not employ similar research methods, they illustrate a few common themes in law and society research on sex work. One is the expansive meaning of sex work – as defined (or not defined) by law and as characterized by sex workers, their customers, and others. The meaning of sex work can vary based on the type of services provided or based on the place of work, and thus intersect differently with state law as well as non-state law, such as societal norms and rules about sexual conduct and women’s sexuality. Sex work also means different things to sex workers, their customers, other actors involved in the trade, as well as activists and law enforcement. Hence, another theme is the persistent challenge of legality. The three articles

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show that sex workers, no matter where they are, face criminalization by state law, persecution by the authorities, or stigmatization by others in their societies.

From the themes about sex work's variegated meanings and its persistent challenge with legality, the three articles can be linked to broader law and society research, even though the authors did not explicitly make such connections themselves. One area of research is the study of legal consciousness. All three articles allude to possibilities of studying how sex workers – or activists, in Tanaka's case – understand state or non-state law and how such understandings matter to the ways in which they conceptualize themselves, their actions and feelings, and their dealings with others, such as customers and the police. An example of this kind of study is Margaret Boittin's research, based on extensive interviews and observations, on sex workers in China.¹ Another area is the study of legal mobilization – how people use the law to define, express, or make claims about their grievances. The legal precarity of sex work raises the question of whether sex workers turn to law, why (and why not), and in what ways. Among the three articles, Tanaka's focus on activists perhaps more clearly relates to legal mobilization. But it is also possible to read the other two articles, by Kurosawa and Lin et al., as lending themselves to this kind of exploration. In Boittin's study, for example, some interviewees talked about having basic rights, protested against government crackdowns, or called for the legalization of sex work.² In short, the articles in this special-themed issue suggests the potential of doing law and society research on sex work in Asia, and I look forward to reading more about it in this Journal and other law and society publications.

REFERENCE

- Boittin, Margaret L. (2013) "New Perspectives from the Oldest Profession: Abuse and the Legal Consciousness of Sex Workers in China." *47 Law & Society Review* 245–78.

1. Boittin (2013). Boittin is also writing a book based on the same study, tentatively titled, *The Sex Trade in China: Policing, Health, Business, and the Regulation of Prostitution*.

2. *Ibid.*