

Sexual Bodies without Free Will:

Lack of Discourse on Children in Arguments about Teenage
Prostitution in Prewar Japan

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1 Introduction: Is Teenage Prostitution a “Changing Childhood” Matter?

In the late 1990s, “compensated dating” (*enjo-kōsai*)⁽¹⁾ involving high school girls became a social issue in Japan. Teenage girls of school age were thought to be selling their bodies, not because they were poor but because they wanted money for pleasure. It is understandable that the combination of schoolgirls and prostitution had a certain impact. Especially in developed Japan, the news that “ordinary girls” had chosen “of their own will” to sell their bodies became a matter of public concern, even causing moral panic. Consequently, in 1999, the Act on Punishment of Activities Relating to Child Prostitution and Child Pornography, and the Protection of Children was enacted to protect children under 18 years of age from being targets of sexual exploitation.

This problem of girls’ prostitution was discussed as a “changing childhood” matter. In the same period, an “increase in bullying” and “terrible juvenile crimes” were also big issues.⁽²⁾ Many argued that children had become more dangerous and that they were more at risk.

However, is this understanding self-evident? Before discussing the

subject from a moral perspective, we must consider in what sense the involvement of teenage girls in prostitution is problematic. As a matter of fact, being a teenager or a schoolgirl and being sexually mature are compatible. The Japanese legal system acknowledges that some young people of school age are permitted to have sex, as the legal age of marriage for females is 16 years of age; furthermore (and less well-known), the age of sexual consent is 13 years of age.⁽³⁾ Despite these facts, people tend to be surprised to learn that teenage girls have sexual bodies and may use them according to their own will.

Through the contribution of social historians and social constructionists, the knowledge that childhood is a historical and social construction has become widely accepted. In light of this, the narrative of teenage prostitution as a changing childhood matter should be analyzed as a historical construction.

In modern societies, children, including ordinary schoolgirls, are officially regarded as immature, though on their way to adulthood. Their biological bodies and intellectual abilities have been interpreted under the intellectual frame of “development”. Institutions and systems, such as the family, schools, healthcare services, juvenile justice, and child welfare, are allocated as a network to protect, socialize, and sometimes correct those who are thought to be different from adults. The constellation, or network, of discourses and practices has been called the “tutinary complex” by Donzelot (1977). Teenage prostitution, as well as increasing school problems and severe juvenile crimes, deviate from this presupposition about children. The fact that girls have sexual bodies and their own free will to sell them contradicts the logic of the tutinary complex for modern childhood. In many developed countries,

there has been a strong tendency to judge any phenomena that deviate from such logic as proof of a change in or the disappearance of modern childhood (e.g., Postman 1982).

However, the network for children has had many holes, which Donzelot has called “lines of flight,” using the Deleuzian concept. Different views on and behaviors of relatively young people did, and possibly do, exist. The effort to expand the network and seal holes has also been depicted by historians using the trickle-down model, for example, from the middle class to the working class (e.g., Cunningham 2005). From this perspective, the moral panic at the turn of the millennium was caused by (re)discovering the existing, but overlooked, diverse and contradictory views and realities in our society; people acknowledged that ordinary girls have their own will and sexual bodies and got panicked since this fact was a deviation from the mainstream view.

This article attempts to uncover different views from the mainstream on teenage prostitution in Japanese prewar debates, to show how they crossed (or did not cross) the typical modern logic of childhood, and to speculate on how they were forgotten but (re)discovered at the turn of the millennium.

2 Discussions on Licensed Prostitution as an Example of Different Views on Childhood

In prewar Japan, there was a public and licensed prostitution system (*koshō-sei*). The government officially allowed young ladies, including minors, to be prostitutes. The system was established in the late 19th century (the early Meiji period); later, a long-lasting discussion on whether to abolish it

took place, based on pressure from international criticism. The system set a minimum age limit for registration as a prostitute, which became an issue during later discussions.

By looking at how the system was established and what was discussed in the debates, this paper will follow many contradictory notions regarding girls and prostitution. What decisions were or were not made regarding girls' protection, education, age, will, and bodies?⁽⁴⁾ How were these topics discussed in later debates?

The traditional Japanese history of women interpreted discussions on licensed prostitution as a process of liberating women from the remnants of feudalism and the movement to abolish the system as justice (Murakami 1972; Takemura 1982, Yoshimi 1992). From the 1990s, however, this view came under attack from a post-colonial understanding of prewar history. Opponents insisted that the system was not at all feudal but very modern, with its control of bodies. For example, Fujino (2001) argued that the core of licensed prostitution was the syphilis test, which showed the power of the national public health system. Fujime (1997) criticized the pro-abolition camp as limiting its target to official trafficking, thereby preserving the existence of privatized prostitution and consequently supporting the expanding capitalism, imperialism, and militarism. Suzuki (ed. 1997) also showed how the movement was based on the division between "virtuous" middle-class wives and mothers and "corrupt" prostitutes and mistresses. Members of the abolition movement supported the totalitarian regime during the wartime period.

However, these previous studies did not focus on teenage prostitutes. In the French context, Corbin (1978) has criticized the discourse of abolition of

public prostitution for not questioning the overall system by focusing only on the protection of minors and the prevention of human trafficking. Whether the same problem was present in Japan's situation should be scrutinized.

3 The Fiction of “Free Will” without the Discourse on Child Protection: Establishment of Licensed Prostitution

1) “Liberation of Prostitutes” as Anti-Trafficking

In Japan, the establishment of red-light districts permitted by public authority dates to the 16th century, the era of Hideyoshi Toyotomi. Pleasure quarters (*yūkaku*), such as Yoshiwara and Shimabara in the Edo period, were famous. In the Edo period, licenses were issued to brothels, not to individual prostitutes. In contrast, licensed prostitution in the modern era adopted a registration system for prostitutes (*shōgi*). Consequently, licenses (*kansatsu*) were issued to women. The establishment of this system in the late 19th century was not easy and straightforward.

On October 2, 1872 (Meiji 5), the Meiji government issued the Ordinance Liberating All Prostitutes (*Shōgi Kaihō Rei*), which is said to have been the first step toward modern licensed prostitution. This ordinance defined prostitutes as victims of human trafficking and then liberated them, as explained here:

Trafficking humans and subjecting them to abuse for a lifetime or shorter period, at a master's will, is immoral and shall not happen. So, according to the bans since ancient times, we shall strictly prohibit, from now on, the act of forced indentured service under the name of termed contract but, in

reality, being equivalent to trafficking. (Ordinance Liberating All Prostitutes)

A week later, the Ministry of Justice declared the existing contractual debts of geisha (*geigi*) and prostitutes (*shōgi*) void. However, the liberation of prostitutes was not the prohibition of prostitution itself. It came about within the context of international criticism on human trafficking since the opening of Japan in 1854 after a period of national isolation (*sakoku*).⁽⁵⁾ The liberation was not a matter of prohibiting sexual violence or promoting women's rights. The ordinance was popularly called the "Ordinance Liberating Cattle," since it contained the phrase "Prostitutes and geisha have lost their rights as humans and are the same as cattle. Who can reasonably request the return of things and money to cattle?"⁽⁶⁾

Women were not prohibited from entering a new contractual debt and paying it off through prostitution "of their own free will." Shops in pleasure quarters began to be called "rental parlors" (*kashi-zashiki*), claiming they just offered rooms for licensed prostitutes and customers.

2) Registration "of Their Own Free Will"

It is said that after the "liberation," there was a conflict between the Ministry of Justice and the Ministry of Finance (Obinata 1992; Hayakawa 1997). The Ministry of Justice insisted on prohibiting prostitution officially, accepting illegal prostitution, just to appease the international community. However, the Ministry of Finance suggested a licensed prostitution system to place prostitution under governmental control in an effort to prevent the spread of syphilis. Since the Edo period, the sexually transmitted infection was called "pleasure quarter disease" (*karyū-byō*). Importantly,

both sides took it for granted that prostitution could not be eradicated. The confrontation resided in whether to give priority to the superficial dignity of the state or the actual control of syphilis.

The latter plan won in the end; subsequently, the control of prostitution began. Probably to avoid the government giving official permission to the “liberated” prostitutes, the establishment of the system was at first delegated to local authorities. As a result, the system of the Metropolitan Police of Tokyo Prefecture became the leading case.

Tokyo adopted a licensing system. To place prostitution under prefectural control, registration of prostitutes “of the women’s own free will” was established, with a minimum age limit, area restrictions, and required tests for syphilis. The 1873 Rules for Prostitutes (*Shōgi Kisoku*) declared the following: “Those who are found to have applied to be prostitutes of their own true will shall be investigated, given permission and issued a license [...]” (Article 1). Girls’ prostitution became a matter of the will of girls and was publicly permitted.

3) Age Restriction as Rhetoric: The Absence of Child Protection

More importantly, this registration system also enforced an age limit. After the sentence cited above was the definition of the minimum age limit: “[...] although those who are aged 15 or younger shall not be given a license” (Article 1).

Yamamoto (1993: 241) reviewed the regulations of different prefectures and concluded that most had age limits for prostitutes ranging from 12 to 16 years, with 15 years being the most frequently cited.

No reason for this age limit has been found, but it is inferable that the

introduction of the discourse of free will required a minimum age limit as a modern legal fiction whereby those who were below the line were considered to be legally incompetent to exercise their will; thus, they were prohibited from registering themselves. At what age the line should be drawn was not crucial at all. Documents of the Meiji period frequently mentioned that the age of adulthood used to be around 15 years in premodern Japan. Although whether the statements reflected historical truth was not certain, the sense was commonly shared by people of the Meiji period. The Meiji government set the legal age at 20 in 1876 (Meiji 9), in light of the Western standard, but age limits related to sexual matters were lower, around age 15. For example, the 1898 Civil Code defined the age of marriage for females as 15 years of age.

The licensed prostitution system adopted the minimum age limit, but there seemed to be no sense of child protection. In 1889 (Meiji 22), a national standard regarding the age of prostitutes was finally declared to be age 16 or older by Instruction of the Home Minister.

4) The Double Standard for Prostitutes and Youth from Decent Families

Meanwhile, in the 1888 amendment of the Regulatory Rules on Rental Parlors and Prostitutes (*Kashi-zashiki Hikite-jaya Shōgi Torishimari Kisoku*), Tokyo Prefecture added a clause to prohibit young students, minors, and ladies from coming to parlors (Hayakawa 1998: 207-208). In the 1896 amendment, the clause was modified:

No parlors shall allow those who are under the age of 16 and/or students or pupils to be entertained. (Article 15, in Ichikawa 1978: 238-243)

The prohibition of those who were young or students from entering the world of prostitution is interesting. In a later period, a newspaper report mentioned in Ando (1911, in CPP vol. 1: 327) counted the number of people in the most famous pleasure quarter, Yoshiwara:

One night, from eight to nine o'clock, the correspondent stood by the large gate of Yoshiwara and counted people coming in and out. The sum was 1,900. Among them, more than 50 (approximately 3%) were young pupils and more than 170 (approximately 10%) were juveniles aged 14 to 16 or 17 years old.

There seemed to have been many youths around age 15 among those who came to “buy” prostitutes. Of course, the pleasure in parlors, as well as smoking and drinking, was thought to be a hindrance to schoolwork. Accordingly, there was an idea that the authorities should protect decent youth and students, thus leaving prostitutes unprotected. Clearly, there was a double standard in one age group.

4 The Birth of Educational Logic? The Completion of Licensed Prostitution

1) The 1900 Regulatory Rules on Prostitutes

The 1898 Civil Code included the article on public policy, which, in effect, prohibited human trafficking. The Ordinance Liberating All Prostitutes was then abolished.

In 1900 (Meiji 33), the first national ruling—the Regulatory Rules on Prostitutes (*Shōgi Torishimari Kisoku*)—was issued. Adding to the registration system, minimum age limit, area restrictions, and obligatory tests for syphilis, which had been a basic set for the licensing system, this rule stated the right to leave the business: “Licensed prostitutes are able to declare removal from the prostitute list” (Article 4).

This development enforced the logic that the system was not trafficking but based on women’s “free will.” The official message was that prostitutes were able not only to register but also to remove themselves from the registry “of their own free will.”

Of course, it was not easy for prostitutes to cancel their registration. Supreme Court decisions recognized contractual debts as legal (Masugi 2009). As a result, prostitutes who had been sold in payment for debt could not leave the business under the name of “of their own will” until they had returned all the money. Nevertheless, if the fiction prevailed, the government could insist that the system was not allowing trafficking.

2) The Birth of Educational Logic?

Just before these rules were implemented, the minimum age limit of registration had been raised to 18 years by a Home Ministry Ordinance and the Regulatory Rules on Prostitutes declared as follows: “Those who are under 18 years of age shall not be licensed” (Article 1). The reason for raising the age limit can be seen in a later document:

There are people who are likely to ruin themselves all their lives because they are subject to communicable infection due to physical immaturity, or

often are likely to be seduced or abducted by others due to psychologically and physically insufficient development, so [...] the reason for the revision [of the minimum age limit] is that even prostitutes require intellectual and physical development. (A Director of the Home Ministry Police Affairs Bureau 1904, in CPP vol. 14: 341, underline added)

The logic for “the protection of developing bodies” that was prevalent in systems of child protection and education finally appeared in the discussion on prostitution. In the same period, the school education system was rapidly being established. The 1900 Primary School Order finally established free four-year compulsory education, provoking a rise in enrollment; compulsory years were extended to six years in 1907. Secondary education was also being established according to the 1899 Middle School Orders.

Along with this trend, Tokyo Prefecture defined the minimum age limit for geisha girls as 12 years in the Regulatory Rules of Geisha Business (*Geigi Eigyō Torishimari Kisoku*). Its guidelines prohibited registration for girls who were under 14 years of age and had not finished primary school; those with disabilities were also ineligible. Geisha (*geigi*) were different from prostitutes (*shōgi*) by definition, but the actual distinction was ambiguous. The logic of protecting development and promoting education, in other words, the modern logic of childhood mentioned earlier, came into being in the discussions of prostitution.

Unfortunately, as will be shown in the next chapter, this logic was not shared by a majority. I dare say that 12-year-old bodies were not so useful for the purpose of sexual intercourse; the regulations were not sufficiently harsh for most rental parlors accordingly. The regulation on older girls

provoked debates.

5 Weak Educational Logic, Strong Sexual Desire: Debates Surrounding Licensed Prostitution

1) Loosening of the System and the Increase in Unlicensed Prostitutes

Ironically, the national system of licensed prostitution began to loosen just after its establishment. One cause was the increase in private, unlicensed prostitutes (*shishō*), such as “serving girls” (*shakufu*) and “café waitresses” (*jokyū*). After the narrow victory in the Russo-Japanese War (1904–1905), “high-quality liquor shops” (*meishu-ten*) came into fashion as a new form of de facto brothels where unlicensed, private prostitutes served male customers outside restricted red-light districts. Subsequently, Tokyo Prefecture strengthened the regulations on them (Hayakawa 1997: 56). “Regulating private prostitutes” sounds contradictory, but the prefecture accepted and even semi-officially permitted “unlicensed prostitution areas.”

In the 1920s, the number of serving girls, as well as waitresses in cafés and bars, soared (Hayakawa 1997: 56). In the late 1920s, the number of waitresses exceeded the number of licensed prostitutes (Fujime 1997: 284).

This situation has often been explained by the change in customers’ preferences; new customers in “modern” urban Tokyo disliked buying licensed prostitutes, considering them to be almost the same as feudal slaves, and preferred the sense of “free love” offered by waitresses (Kurahashi 1994: 29). However, serving girls existed even in the Edo period; girls were de facto prostitutes sold in payment for debt. The rise in the number of unlicensed prostitutes seemed to be better explained by the new labor

market that emerged with urban industry, especially among rural girls who were sold to modern service sectors (Fujime 1997; Onozawa 2002).

Additionally, the establishment of a six-year compulsory education may have destroyed the old-fashioned training system among prostitutes:

All in all, I would say that the present Yoshiwara is in a completely different social position from the previous Yoshiwara. (A Speech to the Legal Committee on Abolishing Licensed Prostitution, House of Representatives, 59th Imperial Diet, 1931)

Previously, there was the custom to adopt small girls to be trained as geisha girls among geisha parlors, but this was prohibited by law all over the country. (Tokyo Office, League of Nations 1933)

The disappearance of the girls who were doomed to be prostitutes from the very early stages of their lives might have caused the decline of the old-fashioned system.

2) Shaking of the System by the International Movement

The other cause of changes in the prostitution system was the international regulation on human trafficking, in place since the turn of the 20th century. In 1895, the 5th International Penitentiary Congress raised the female legal age to 15. The International Convention for the Suppression of the White Slave Traffic was adopted in 1910 (Meiji 43), and the International Convention for the Suppression of the Traffic in Women and Children was adopted in 1921 (Taishō 10). The Japanese government after World War I

needed to ratify these conventions to join the Great Powers.

During the discussions concerning ratification of these conventions, the issue of whether to abolish public licensed prostitution or allow it became a problem, since Article 2 of the former declared as follows:

Whoever, in order to gratify the passions of another person, has, by fraud, or by means of violence, threats, abuse of authority, or any other method of compulsion, procured, enticed, or led away a woman or girl over age, for immoral purposes, shall also be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries. (Article 2)

Here, the existence of forced prostitution of adult women against their will was criticized. Whether Japanese licensed prostitution infringed on this article became an issue, regardless of the governmental effort seen above to insist that the system was based on the free will of women.

Adding to that, the minimum age limit became another issue because these conventions prohibited the enticement of “a woman or girl under age” “for immoral purposes,” as is shown in Article 1 of the former:

Whoever, in order to gratify the passions of another person, has procured, enticed, or led away, even with her consent, a woman or girl under age, for immoral purposes, shall be punished, notwithstanding that the various acts constituting the offence may have been committed in different countries. (Article 1)

The “under age” criterion was initially set as under 20 years of age, but later, the latter convention raised the legal age to 21, which contradicted the Japanese age limit of 18 for registering as a prostitute. Thus, whether to ratify the convention with reservations or raise the age of registration for prostitutes became another issue.

In 1925 (Taishō 14), the Japanese government ratified the International Convention for the Suppression of the Traffic in Women and Children with reservations on the age limit,⁽⁷⁾ though the reservations were withdrawn two years later. Importantly, the ratification did not result in the abolition of licensed prostitution. The government maintained the Regulatory Rules on Prostitutes with the enforced syphilis test system by the enactment of the Pleasure Quarter Disease Prevention Act (*Karyū-byō Yobō Hō*) in the same year. In the official understanding, the Japanese system was not contradictory to the convention, based on free will and the established age limit.

3) Weak Educational Logic

Within this context, empirical surveys on prostitutes were conducted, most of them asking about age and educational attainment. That is to say, the educational logic that youth should be protected and educated came to be a norm, from which deviation should be acknowledged.

First, the surveys endorsed the existence of unlicensed prostitutes of a young age. One survey of licensed prostitutes revealed that 21% of them had lost their virginity during their apprentice period (Uemura 1918, in CPP vol. 2: 209). A few surveys showed the existence of early teenage prostitutes, some training to be geisha and others who lived in “ghettos of unlicensed

prostitutes" (*shishō-kutsu*).

Second, the low educational attainment of licensed prostitutes was criticized. Six-year compulsory education was established in 1907 (Meiji 40), with the enrollment rate as high as 98%. However, the relatively low enrollment rate among factory girls and prostitutes became an issue in the 1910s and 1920s. One survey revealed that approximately 7,800 out of more than 51,000 licensed prostitutes did not go to school (Itō 1925, in CPP vol. 2: 379-380), and another suggested that 27% were completely illiterate (Uemura 1918, in CPP vol. 2: 221-222).

These results pushed the argument toward establishing a more inclusive child protection and education system. The educational logic finally appeared in terms of prostitution:

Among the 28,234 licensed prostitutes investigated [...], more than 86% of them either did not enter primary school or left school before graduation. They are totally uneducated and ignorant. Who takes responsibility for not giving them the opportunity to complete compulsory education and leaving them to become prostitutes? On this point, it cannot be helped that the Japanese government are condemned as not accomplishing their normal duty to their subjects. (Yamamuro 1929, in CPP vol. 3: 125)

The tragedy of innocent little girls who are just around the enrollment age being sold to brothels to become future apprentice geisha girls or being forced to become girl prostitutes in ghettos of unlicensed prostitutes should be prohibited by this [Child Protection] law [to be enacted]. (Itō 1932, in CPP vol. 5: 69)

Importantly, the prostitution of girls less than 18 years old was often thought of as an act against their will:

Now, the so-called licensed prostitutes shall not be allowed to engage in their work unless they are 18 years old or over. However, women in so-called ghettos of immoral prostitutes, such as Terashima and Kameido, were often 15 or 16, and 13 or 14 in extreme cases. Girls whose age we cannot bear to say are engaging in prostitution. [...] All were abducted and taken to evil whorehouses and are forced to engage in immoral work against their will, some on the sacrifice of their parents, and others being violated, threatened, and sometimes hurt. (A speech to the Petition Committee, House of Representatives, 56th Imperial Diet, 1929, emphasis added)

Girls under the legal age of registration were automatically thought to be forced to be prostitutes “*against* their will,” while prostitutes who were 18 or older were officially thought to be doing so “*of* their own will,” regardless of the realities. Here, the view that underage prostitutes should be poor girls who were sold against their own will emerged. In the educational logic, girls should be protected and educated, and when they were not, their status had to be derived from miserable incidents against their own will. The possibility of teenage girls’ participating in prostitution *of* their own will, which shocked people at the turn of the millennium, was not assumed.

However, this educational logic continued to be held by a minority.

4) Discussion to Abolish Licensed Prostitution and the Absence of Girls

After the Sino-Japanese War (1894–95), a movement to abolish the official

licensed prostitution (*haishō undō*, *haishō-ron*) arose. The actors, such as the Salvation Army, denounced prostitution as an evil contrary to religious abstinence and middle-class chastity. This movement gained popularity amid international criticism.

As previous studies mentioned earlier indicated, this movement did not have true sympathy toward prostitutes and most of the actors never tried to prohibit prostitution itself. Their logic was as follows.

First, adopting the internationally criticized system with a lower age limit was a shame:

That only Japan ratifies the convention with reservations in terms of the minimum age limit is very unpleasant for the appearance of this Empire.
(Kawasaki 1926, in CPP vol. 3: 59)

Second, the fact that the government publicly admitted to the system of prostitution was not good for the education of children from decent families:

Is permitting brothels and prostitution day and night under the protection of the state compatible with educating young students on the concepts of chastity and rights? (ibid. 29)

People often say that the number of unlicensed prostitutes would increase if the government abolished licensed prostitution. However, it is enough only for the government to stop allowing prostitution officially, even if the number of unlicensed prostitutes increases. Every human society has its dark side, after all. I, as an educator, would leave complaining about the

dark side to someone else who wants to do so. Schools do not have to teach about those areas. [...] As a state, it is enough to teach immoral affairs as immoral without contradiction. (Miyata 1914, in CPP vol. 2: 55, emphasis added)

Here, the limitations to the coverage of educational logic was openly acknowledged. Protection and education were thought of as something to be provided for decent youth, while prostitutes of the same age were represented as immoral beings. The double standard since the early period still existed.

Those who were against abolition (*sonshō-ron*) were very pragmatic. They believed that the fulfillment of males' libido was a necessary evil and that abolition of the official system would result in an increase in unlicensed prostitutes, so the system should remain under governmental control. The matter of licensed prostitution was proposed as a matter of moral order (*fūki*) among urban single youth as well as for the control of syphilis.

Strangely, this camp problematized the "extremely tragic circumstances of unlicensed prostitutes" to insist on the necessity of the system:

Although licensed prostitutes are supposed to be 18 years old or over when they get permission, there are not a few 12- or 13-year-old girls among the marginalized unlicensed ones. The fact that lovely little girls who still wear children's kimonos serve drunken bastards is an extreme tragedy, as if flowers are nipped in the bud [...] Geisha girls are likely to lose their chastity during their training period. (National Joint Association of the Rental Parlors 1929, in CPP vol. 11: 256, emphasis added)

At first glance, the rhetoric can be seen as a protest against sexual exploitation outside of the governmental scheme. However, the brothel owners also advocated lowering the age limit, as will be shown in the next section. Their intention was to control public order with the system as well as to protect their own profitability.

This camp also shared with the abolishing camp the view that the existence of prostitutes should be hidden from the children of decent families. The debates merely repeated the one between the Ministry of Justice and the Ministry of Finance in the 1870s.

5) The Matter of the Minimum Age Limit and the Absence of Girls

Along with the abolition of the system, the minimum age limit for registering as a prostitute was also discussed to ratify the international conventions, and the majority insisted on raising it to 21 years of age, caring about international appearances. On the other hand, some people insisted on keeping the minimum age as 18 for pragmatic reasons.⁽⁸⁾ However, more than a few people, such as brothel owners, insisted on lowering the minimum age to 16.

Those in favor of raising the minimum age problematized the inconsistency between the laws. The legal age was 20 years of age, and the marriage age without parental permission was established as age 25 for women by the 1896 Civil Code. The drinking age was 20, but discussions were under way to raise it to 25. The voting age was 25, though even male universal suffrage was under discussion. Considering these laws, 18 was too low.

The lowering camp insisted that 16-year-old girls could tolerate sexual

intercourse, and the earlier they could start working, the earlier they could repay their debts and return to normal lives:

In the climate of this Empire, 16-year-olds have no problem in engaging in prostitution from a physiological point of view. If they could start their job two years earlier, they could return to normal lives earlier. This can promote their happiness more than in the present 18-year-old system. (A statement of a representative of Fukuoka Prefecture in "Decision of the brothel owners, requiring the regulation of unlicensed prostitutes," *Tokyo Asahi New Paper*, April 28, 1926, in Suzuki ed. 1997: 693)

This statement was probably not for prostitutes but for males who bought girls.

The vice-president of the NJARP went further, insisting on the introduction of a retirement age for prostitutes. His reasoning gives insight into the way men thought:

[By lowering the minimum age limit,] "so-called mature" prostitutes and applicants will be pushed out as a result of natural selection and we would not have to see prostitutes wearing younger clothes and hairstyles in their 30s and 40s. (Utsu 1926, in CPP vol. 8: 6)

This logic was for male customers and was never sympathetic to sold girls. All in all, few people thought about the welfare and education of prostitutes.

6 Conclusion: From “Unspoken” Girls to “Over-Spoken” Girls

1) Unspoken Girls

In summary, in prewar discussions on licensed prostitution, the logic of protecting and educating children and youth as an inclusive age category was weak. Prostitution was thought of as a necessary evil, and whether to abolish the system was discussed not only from the point of view of the girls themselves but also to deal with international criticism and from the point of the males who bought them.

The age limit was established as a modern legal fiction to secure the “free will” of girls in the face of international criticism. Schools and other institutions that protected, socialized, and corrected children were established during the same period, but the inclusion of fallen girls had not gained popularity. Most discussions on prostitution passed over teenage prostitutes.

Poor girls were thought to be innocent, but their bodies were useful. Their descent into the business was thought to be the result of miserable incidents against their will. However, once they entered the business, officially or unofficially, they came to be regarded as immoral outsiders whose existence was to be hidden from decent youth and students. “Children” and “youth” were not thought to be a homogeneous category. Poor underage prostitutes were acknowledged as different from children from decent families. The emerging educational logic and the tutelary complex did not apply to poor children; their sexually mature bodies were desired much more blatantly then than today.

2) The Discovery of Girls Who Sell Their Bodies of Their Own Free Will

In 1933 (Shōwa 8), the Commission of Enquiry into Traffic in Women and Children in the East from the League of Nations reported that most licensed prostitutes engaged in the business against their own will. It is said that, around 1934, the abolition camp and the anti-abolition camp reached a compromise and decided to abolish the system (Suzuki ed. 1998: 19). In reality, licensed prostitution was not abolished until the Allied occupation in 1946 (Shōwa 21), and this abolition of the licensing system even left official red-light districts. Surveys from this period showed the existence of uneducated teenage private prostitutes.

In 1957 (Shōwa 32), the Anti-Prostitution Act was enacted. It prohibited prostitution for all ages but contained no punishment clause for personal transactions. Interestingly, during the enactment process, the importance of the education and socialization of youth began to be mentioned, though age was not a focus:

Juveniles are released and abandoned to the world at the age that they have to learn proper sexual moral and sexual education; they are causing problems and destroying the new 6-3 education system, resulting in the creation of irresponsible adults. (A speech to the Legal Committee, House of Representatives, 19th National Diet, 1953)

An integrated age category as a target of education finally began to be officially accepted, but it was not truly for them; rather, it was adopted from the viewpoint of social security.

Despite the Act, Japan has never abolished its de facto prostitution business, such as “Soap Lands.”⁽⁹⁾ However, in the postwar period, Japan experienced rapid economic growth. Prostitution in rich societies cannot be explained by the classic story that poverty caused girls to slip into miserable lives. Women tend to be regarded as selling their bodies “of their own will,” and this scenario causes a moral panic. The fact that the prewar system was based on the logic of free will and the view that underage prostitutes were automatically thought to be sold against their will may have been forgotten.

After the long journey of this paper through the history of licensed prostitution, the moral panic regarding teenage girls’ “compensated dating” is inferable. The high school enrollment exceeded 90% in 1974 (Shōwa 49), and most teenagers were enjoying a prolonged childhood at school. The homogeneous view on childhood that children should be protected and educated at schools and other institutions finally became a shared norm, which is also thought to have almost been realized. At this stage, teenagers’ sexual maturity was thought of as a deviance that should be hidden from the public, even though it was an open secret. At the same time, the prostitution of children or school girls, as well as of mature women, if found, cannot be attributed to miserable incidents caused mainly by poverty, thus being thought to be a spontaneous deviance, in other words, deviance “of their own will.” This “teenage prostitution of their own free will” was interpreted as a deviation from the norm of childhood and then considered a matter of “changing childhood.” However, we should bear in mind the historicity and constructive aspects of the matters that this paper has cited.

The moral panic at the turn of the millennium calmed down. In the 2010s, some people began to insist that young prostitutes had more

economic, psychological, or family problems than other girls, and their will began to be questioned (Ogiue 2012; Nitō 2014).⁽¹⁰⁾ Sexual business using high school girls (so-called JK (*Joshi-Kōsei*) Business) is attracting international criticism. The government has instituted laws and regulations to respond to the criticism and to control social order, but inclusion of the girls has not been provided for sufficiently. The configuration of girls' prostitution, protection, education, age, will, and bodies has been changed in some parts but unchanged in others. Before diagnosing whether girls' prostitution is an example of changing childhood, we must remember the historical and present configurations.

Endnotes

- (1) The original Japanese consists of *enjo* ("help" or "support"), which refers to the financial compensation girls receive from men, and *kōsai* ("dating"). The term is said to have been a code word coined by and circulated among young girls.
- (2) According to research by social constructionists, these statements were counterfactual (e.g., Hirota 2001).
- (3) Article 176 of the Penal Code defines "indecent acts" with girls (and boys) less than 13 years of age as "forcible indecency" while, in the case of people not younger than 13 years of age, the same crime is applied only for cases "through assault or intimidation." Thus, the age of consent in Japan is 13.
- (4) This standpoint does not necessarily mean that it neglects biological fact. When discussing the constructive aspect of childhood, a typical criticism arose that constructionists neglected the biological fact of developing bodies. However, as gender studies have already accumulated relevant discussions, the strict presupposition of material bodies can be seen as a social construction. In response to the typical criticism that gender differences may be a social construction but that sexual and material differences between sexes do exist, Butler (1993) proposed that the view of looking at bodies as a presupposition of gender discourses is itself a construction derived from gender constructions. On the basis of this approach, this paper will analyze how material bodies, as well as psychological or intellectual

matters such as will, are interpreted in relation to many social systems, scientific knowledge, and so on.

- (5) The start of the criticism was imputed to the María Luz Incident, though more recent research has indicated that the start was earlier. In the incident, the Japanese government insisted on the protection of Chinese coolies who escaped from a Peruvian ship and the abolition of slavery; the government's declarations were criticized by Western countries because Japanese prostitutes were also slaves sold in payment for debts.
- (6) In the same context, traditional children's contortionists (*kakubē-jishi*) were other targets (Yamamoto 1983: 89).
- (7) At the same time, Korea and Taiwan—colonies of Imperial Japan—were exempted from coverage by the convention.
- (8) The Ministry of Foreign Affairs was eager to ratify the convention without any reservations, while the Home Ministry insisted on keeping the status quo, accepting the reservations.
- (9) Officially, the shops provide "massage services in bathrooms," but customers and service girls move on to sexual intercourse "of their own will"; the case cannot be punished. These shops are under the control of the Act Regulating Adult Entertainment Business, etc.
- (10) Nitō organized an exhibition showing girls' statements in 2016. The name of the exhibition, "We Are Bought," seems to be suggestive. Girls are not sold as payment for debt anymore but they are still bought for comforting themselves or money.

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