

Ordinance No. 4, Regulations of Brothels and Prostitutes [promulgated by Police Chief, the Japanese Government-General of Korea]

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This ordinance was promulgated by the Police Chief of the Japanese Government-General of Korea as the order no. 4 on March 31, 1916. It was issued along with the following ordinances, no. 1, Regulations of Lodging Businesses, no. 2, Regulations of Restaurant and Food Businesses, no. 3, Regulations of Female Entertainers, Hostesses, and Lodging Houses for Entertainers. By promulgating these four ordinances, a state-regulated prostitution system was established in colonial Korea.

The significance of the ordinance no. 4, Regulations of Brothels and Prostitutes is that it provides a clear legal basis for the government control of brothels and prostitutes, which had been left in the grey area previously, with vague and unclear terms such as ‘second-class restaurants’ or ‘second-class entertainers’ to avoid direct reference to the types of businesses that were deemed a disgrace to the country. With the promulgation of the ordinance, the government proclaimed that it would have control over women’s sexuality and bodies.

There are some notable differences in government regulation of prostitution between Japan and colonial Korea: first, whereas the legal age for prostitution was 18 in Japan, it was set as 17 in colonial Korea (Article 17); second, the provisions relating to the protection of Korean prostitute’s human rights, such as the freedom to leave their job, the right to access documents, and the freedom to possess personal items were not as rigorous as in Japan; last, the ordinance allowed the rule that permitted prostitution only within registered brothels to be implemented with leniency. Considering this, this document indicates that while the government strengthened its control over women’s sexuality, the protection of their basic rights in terms of their safety and health was largely neglected in colonial Korea. This principle was clearly reflected in the “comfort women” system for the Japanese military during the wartime.

○ Title: Regulations controlling recruiting agents (Police Department Order no. 1)

These are the regulations controlling recruiters who procure female entertainers and prostitutes for businesses (Article 1, Section 1). It was first promulgated as the Japanese Empire’s Police Department Order no. 1 in 1918 and was consecutively issued by the police offices in each region in Korea. Although the specifics varied depending on the jurisdictions, the common elements were as follows: If an agent recruiting women for professional entertainment or prostitution wants to send the women out of the area, the recruiter needs to obtain a written consent of the parents (if there are not any parents, 2 or more relatives), a document containing the woman’s address of family register, home address, name and age, and submit it to the police station in the area 5 days before the departure along with a document indicating the business owner’s name, address, occupation, and an abstract of the employment contract. (Article 21) Recruiters were not allowed to take out any kind of advertisement, nor were they allowed to lure women into becoming a professional entertainer, or to make others do so (Article 22). These regulations were applied to recruiters who procured “comfort women” for the Japanese military. However, most of the Korean “comfort women” victims have testified that they were deceived by the recruiters for false promises of job opportunities. In colonial Korea, these regulations were enforced more as a measure to accommodate the recruiting activities of the brokers, than as a measure to control their illegal recruiting activities.