

Prostitution reform in britain during the nineteenth century history essay



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During the nineteenth century, prostitution became an increasingly controversial topic in Britain, as social and moral panics forced the topic out from the alleyways and closed doors and into the legislature and newspapers. Throughout this period, various pieces of legislation were introduced that were designed to curb prostitution, and instil a more sanitary nation, the most notable and contentious being the Contagious Disease Act in 1864. In the later years of the nineteenth century, prostitution was guided largely by a moral discourse. Sentence about how I am focusing on the prostitute, which has not been done a lot before? I am arguing that these reforms and campaigns did not save or rescue women from prostitution, but instead, repressed their activities and their bodies, and, on occasion, worsened their situations rather than improving them.

The Contagious Disease Acts arose in 1864, and was later amended in 1866 and 1869, out of a concern regarding venereal disease in the armed forces and was originally only applied in areas where the army and navy operated. The act was designed to regulate prostitution through the use of medical examinations and a special police force. One historian has declared that the Acts were the “single most important legislative intervention addressing sexuality throughout the nineteenth century”. However, initially the Acts received little publicity, and were in fact, enacted with little debate as they were passed in secrecy. Under the Contagious Disease Acts, prostitutes were registered with the Metropolitan Police and subject to fortnightly examinations by a doctor to determine whether they were “diseased,” and if they were, then they were detained in special hospitals. Initially the Acts received little publicity, and were in fact, enacted with little debate as they

were passed in secrecy. This changed by the time the Acts were amended once again in 1869 (find evidence), as various groups formed to oppose the Acts. One such group was the Ladies' National Association for the Repeal of the Contagious Diseases Acts, whose first point of contention was that the Acts had been passed in secrecy, which they viewed as a failure of Parliament. The Ladies' National Association was formed in 1869, and led by Josephine Butler. Butler quickly became one of the more prominent faces in the attempts to repeal the Acts, and often spoke out against them publicly. In 1870 the Ladies' National Association published "Women's Protest", which detailed the Association's eight objections to the Acts. "Women's Protest" will be used as a framework in discussing the effects of the Acts in this essay.

The Acts, in principle, were very male-centric, and reflected the existing class and gender hierarchies. In examining women for disease, and incarcerating women for prostitution, whilst letting their male clients walk free, the Acts reinforced society's double standard regarding "sexual morality". This was an underlying theme in the Ladies' National Association's "Women's Protest", and was outlined in their fourth point, that "it is unjust to punish the sex who are the victims of vice, and leave unpunished the sex who are the main cause..." Nineteenth century British society constructed men as having a natural, inherent sexual desire that they were allowed to attempt to quell. In contrast, women were considered to be either "sexless ministering angels or sensuously oversexed temptresses of the devil" and were punished for displaying their sexuality. Prostitutes themselves recognized the hypocrisy and misogyny present in the Acts,

It is men, only men, from the first to the last, that we have to do with [sic]! To please a man I did wrong at first, then I was flung about from man to man. Men police lay hand [sic] on us. By men we are examined, handled, doctored, and messed on with. In the hospital it is a man again who makes prayers and reads the Bible for us. We are up before magistrates who are men, and we never get out of the hands of men.

From their conception, the principles enshrined in the Contagious Disease Acts repressed women and their activities, acting as both moral and legal guidelines for society, punishing “fallen women” whose expression of their sexuality fell outside the acceptable realms that they outlined.

While the effects of the principles entrenched in the Acts were vast, and carried many consequences, the effects of the execution of the Acts are even more numerous. Before embarking on a discussion of the effects of the Acts, I feel it is imperative to first discuss the women who the Act dealt with and affected the most – prostitutes. The discussion of prostitution is a sensitive topic, especially in relation to the issue of representation. Historian Mazo Karras cautions to “steer clear between the dangers of portraying prostitutes as victims by concentrating too much on how others saw them and the danger of decontextualising them by concentrating too much on their agency”. Thus, in this essay, I have endeavoured to strike a balance between analyzing the effects the attempts at prostitution reform have had on women who were prostitutes, while also highlighting their agency by including their attempts to fight back.

One of the major objections to the Contagious Disease Acts was that it did not define prostitution. The Ladies' National Association affirmed, in their third objection, "the law is bound, in any country professing to give civil liberty to its subjects, to define clearly an offence which it punishes". The Acts only referred to the "common prostitute", leaving it up to the discretion of the Metropolitan police to infer what this meant. While there were many different kinds or classes of prostitutes, the inference of "common prostitute" is likely to have meant single, independent woman from the lower classes. However, the Acts ultimately gave the Metropolitan police unchecked power to make arbitrary decisions on who to arrest. This further illustrates that the Acts, and the general discourse on prostitution during the mid-nineteenth century, was more concerned with solving the "problem" than with helping the women themselves. Moreover, the onus was on the female to prove that she was not prostituting, as the police did not have to prove sexual activity or payment had occurred. Whilst Smith claims that the police were fairly accurate, with approximately only ten cases of misidentification, the Acts still were potentially detrimental to all women, as the police had undisputed power to decide who was a prostitute.

The Ladies' National Association further attacked the Acts, and the power they gave the Metropolitan police over women in their second objection that argued that "they re-move [sic] every guarantee of personal security which the law has established ...and put their reputation, their freedom, and their persons absolutely in the power of the police". While Josephine Butler, and other repealers have since been criticized as sensationalizing cases of police brutality and the questionable tactics they employed, such as the tragic case

of suicide of Jane Percy's mother after harassment by officers, there are also various credible examples of the liberties the police took. Walkowitz, a leading authority on Victorian prostitution, has asserted that in some of the subjected districts and garrison towns, the police "lorded" over the women, and "bullied" them. For example, in order to maintain control over the women, it was common to establish "spies" in brothels or pubs. In addition, police, on numerous occasions, tried to force women to be examined by threatening them with unsanctioned legal consequences if they refused. The women affected tried to speak out against this discrimination and unethical conduct and in 1871, 116 prostitutes signed a petition against the police's treatment they had observed and, most likely, received. However, the Captain of the Metropolitan force provided little sympathy, as he had earlier declared, "the Police cannot be too particular with regard to the administration of the Acts".

Police harassment was also present in the lives of prostitutes. The Ladies' National Association recognized this in their sixth protestation, stating that the Acts were "violating the feelings of those whose sense of shame is not wholly lost, and further brutalizing even the most abandoned". While Smith provides an interesting critical analysis of Josephine Butler and other repealers' objections to the Acts, his claim that women who left the trade behind were able to start a new life, free of reference to their prostituting past, appears to be unfounded. Contrary to Smith's claim, numerous historians have cited examples of police harassment of both current and former prostitutes, including Walkowitz. Walkowitz notes that it was extremely difficult for women to remove their name from the registered list

of prostitutes. While some were simply able to pick up and leave town, to where the Acts did not apply, others were less fortunate, and thus, encountered resistance and harassment from the police. The Metropolitan police, refused many women to return to "respectable" life again, and would humiliate women in front of their landlords, or employers, which for some, meant they ended up back on the streets, or in brothels with no other place to go. A similar case is that of Eliza Kemp, who left the life of prostitution, and moved in with a sailor. With her husband away at sea, and money in her name, the police refused to believe the couple had married, and arrested her for prostitution. Thus, while the police were enlisted to try to reduce the amount of prostitutes, on several occasions, their activities were contradictory in their purpose, as they served to keep women in the business.

Not only did Josephine Butler, the Ladies' National Association and other repealers find fault with the special police force, they opposed the "degrading... punishment" of internal medical exams prostitutes were subjected to on a fortnightly basis. Josephine Butler was very publicly adamant about the medical invasion women were forced to endure. Her use of metaphors in describing the exams, calling it "instrumental rape" with the use of the "steel phallic" (speculum) was a gross exaggeration, yet illustrates the extent of the invasiveness of the Acts. From the medical point of view, the prostitute's body was seen as a disease, in need of regulation or a cure. Thus, doctors viewed it as imperative to both the success of the Acts, and to clean up the venereal disease, to have prostitutes submitted to the special "lock wards". There are stories of women being coerced into

signing the voluntary submission form, or, in the case of illiterate women like Harriet Hicks, having them sign with an “ X” unknowingly. Doctors were also eager to fill hospitals, in order to show the success of the Acts, and may have held women for the “ slightest discharge”. In addition, misdiagnosis and mistreatment were fairly common occurrences. Ultimately, the medical examinations could have been either positive or negative for women. While some women could have entered into the subjected districts in order to receive medical treatment, others may have found the exams to be hostile and painful. In Southampton, prostitutes did resist, and between “ 1870-1877 133 [were] brought before the magistrate for ‘ non-submission’ and 287 for refusal to attend examinations.” Yet, even in their act of resistance, they were humiliated in the public process of appearing before the magistrate, and a room entirely devoid of any other female women for support. In the courtroom, male doctors heavily scrutinized women’s bodies and actions. Again, the case of Harriet Hicks illustrates how the Acts affected both prostitutes and women. Hicks claimed she was not a prostitute, nor diseased, and had been wrongly held. During her hearing, a medical officer was summoned and testified regarding her diseased state, which consisted of a “ vaginal ulcer” that was not “ truly syphilitic” but possibly gonorrhoea. The doctor was asked to opine on the origins of the sore in court.

Q. How did this sore arise, do you think. [sic]

A. I believe it arose from excessive sexual intercourse.

Q: But persons might be faithful to each other, and yet have excessive intercourse, might such a sore arise from it.

It might; but I should not think it probable.

While the court ruled in favour of Harriet Hick, and she was discharged from the Royal Albert hospital, she had to face have her body, reputation, and character inspected and aired in public court. In addition, the case draws attention to an additional error of the Acts that affected women negatively. Many registered prostitutes were held for gonorrhoea, which was not considered a venereal disease, and thus did not fall under the jurisdiction of the Contagious Disease Acts. The Acts, while potentially helping women become healthier, supported medical misogyny which blamed women for disease and treated them unsympathetically because of this unfair

While the Contagious Disease Acts had a tremendous impact on women who worked as prostitutes, the Acts were not the only form of repression towards prostitution during this period. Although the Acts were not repealed until 1886, a new perspective on prostitution and morality formed in the 1860s. The Acts were based on the idea of sanitary reform. However, near the later half of the nineteenth century, the effectiveness of using legislative reform to clean up venereal diseases and prostitution was questioned. The last point of contest in "Women's Protest" illustrates this change in views of how sexual diseases and prostitutes should be dealt with,

... the conditions of this disease, in the first instance, are moral, not physical. The moral evil through which the disease makes its way separates the case entirely from that of the plague, or other scourges, which have been placed under police control or sanitary care. We hold that we are bound, before rushing into experiments of legalising a revolting vice, to try to deal with the

causes of the evil, and we dare to believe that with wiser teaching and more capable legislation, those causes would not be beyond control.

This new tactic, teaching the public morals in order to generate a healthier, chaster society was called the social purity campaign, and focused on individual reform. However, the attitudes were not all that dissimilar from those under the Contagious Disease Acts, as it viewed prostitutes “ at one and the same time... as victims, sinners and sexual contaminators”. In addition, the social purity campaign’s methods and effects overlap with those of the Acts, such as institution-guided reform.

Under the Contagious Disease Acts, “ diseased” prostitutes were held in lock-ward hospitals. These lock-wards could be incredibly repressive, as illustrated by the observations and conditions noted by Inspector Sloggett who investigated the Royal Portsmouth Hospital after a two day “ soup riot”. Days earlier various women had complained and protested over the quality of their soup. Inspector Sloggett found that watery soup was not their only reason to be complaining; letters from acquaintances had been withheld from the women, punishments were harsh, and the conditions were appalling. In addition, the lock-ward doctor had refused to examine some of the women for a week because of their attitude, prolonging their stay unnecessarily. Conclusion sentence

There was a similar air of repression in the reform institutions run by religious groups who supported the social purity campaign. The religious reform institutions were considered voluntary, however, Paula Bartley has suggested that they were, instead “ an informal extension of the prison

system," as many would recruit women and girls through their connections with the magistrates and police. Upon entering a reform institute, the female "inmates" were subjected to a humiliating procedure of bodily inspection and cleansing, after which they were provided with plain clothing or a uniform. Their previous life was washed away, their personal belongings destroyed, and much of their autonomy removed. After all, prostitutes could not be trusted to make their own moral judgements, as they had already "fallen". Daily life inside a reform institution was very structured, and the rules were strict; many institutions were largely self-sustaining, and put the women to work to ensure it kept running. Laundry work became popular as it was profitable and could be done year round. It also was difficult and tiring work, serving to instil discipline, in addition to the religious symbolism it held in washing away one's sins. Punishment was also part of life, although the severity varied between institutions. Many withheld the women's food, or put them on a meal of bread and water, while others reprimanded by hitting the women or isolating them in small rooms for numerous days. If the women objected to their treatment they would riot, but more commonly they rebelled in subtle ways, such as doing their laundry work slowly or inadequately. As could be expected, the reform institutes were not as effective as they were meant out to be, because,

By concentrating almost entirely on the sin and need for forgiveness of the prostitute, without reference either to the immorality and hypocrisy of her many clients, or to the injustice inherent in society.... and by plunging her back into that lowest paid of occupations from which so many of her kind had first turned to the streets...their undoubtedly sincere efforts were bound

to fail, since they were attempting to turn individual women from a life of prostitution, without attacking the fundamental economic, social and moral issues involved.

In fact, both the Contagious Disease Acts and social purity campaign, instead of reforming prostitutes, further exacerbated their circumstances and rather than saving them from the streets, it pushed them into them even more.

The Contagious Disease Acts caused prostitutes to become outcasts in society, by identifying them as pollutants. Whereas the women had been incorporated into the working-class, they were now excluded, and publicly shamed. Their names were now on a register, and their identity was forever connected to prostitution, unless they were able to move away, or married (and in some cases, their past followed them, as previously discussed). While prostitutes had interacted in the public sphere before the Acts, they were not public figures. The Acts helped to make public spectacles out of women who prostituted. For example, because their communities knew the women and the location of the medical examiners, prostitutes were harassed on the street as they made their way to their fortnightly exams. No longer were prostitutes accepted in the poor neighbourhoods, as they were before; the Acts and social discourse had made prostitutes out to be evil, deviant and dangerous. It appears, that some religious proponents of the social purity campaign encouraged segregation as a tactic to create submissive prostitutes, who would then be more open to reformative efforts. As James Miller, somewhat ruthlessly declares, "We would have the law follow them wherever they go, till these rebels against society are finally dispersed and <https://assignbuster.com/prostitution-reform-in-britain-during-the-nineteenth-century-history-essay/>

utterly discomfited". Miller later contradicts himself later, when he gives an impassioned plea to his readers to not treat prostitutes harshly, but the system; kindness, rather than brutality, is the way to reform prostitutes. Yet, many of Miller's suggestions would end up doing exactly what he cautioned against, and the general working-class population adopted an attitude of contempt towards women who were prostitutes. Neighbours would no longer tolerate their activities, and held the threat of telling the Metropolitan police over women, segregating them further from their communities. For prostitutes, it became hard to find any other form of work, and a crackdown on brothels continued the cycle of poverty, leaving the women homeless, and even more socially vulnerable. As the Miller quote that opened this essay indicates, a tarnished reputation in Victorian England was hard to rid oneself of.

Lastly, developments under both the Contagious Disease Acts and the social purity campaign contributed to the professionalization of prostitution, an unintended consequence that had a negative impact on the women involved. Prior to the social purity campaign and the Acts, prostitutes had a considerable amount of agency. They were not "passive victims," as Walkowitz asserts. Rather, in their informal industry, they controlled the trade and set their own prices, while usually living amongst other females, creating their own distinct female sub-cultural. The attempts to reform society and individuals, however, gave women few opportunities to easily move out of the business of prostitution, and into a well-paying job. Consequentially, a "work force" of "Queen's women" in the affected areas was developed under the Acts, complete with certificates of cleanliness.

More changes occurred under the social purity campaign. Whilst the campaign initially resented the use of legislation to police societies morals, support in the later years returned to using legislation as a tool to reform society. In *Prostitution Considered in Relation to its Cause and Cure*, Miller discusses the virtues of using legislation as a tool in order to achieve social purity, but cautions against relying solely on this tactic; legislation must be used in conjunction with other strategies. The Criminal Law Amendment Act of 1885, which many social purists supported, attacked prostitution and other sexual activities, as well as brothels, more harshly than before. In attempts to remedy their situation, male pimps became a more common phenomenon, as the women turned to them for emotional and legal security. Thus, women lost more of their autonomy, as “prostitution shifted from a female- to a male-dominated trade”.

To summarize, various attempts to reduce prostitution, and its consequences in Victorian England resulted not in reform, but repression of women’s sexual activities and their bodies. “Fallen” women were not raised up with merciful hands from the depths of society; on the contrary, prostitutes’ situations in the subjected districts worsened because of the Contagious Disease Acts and the social purity movement. Both in principle and execution, women were degraded, although many fought back in the best ways they could. The patriarchal legislation, and misguided social purity campaign led to a lack of rights for women, and subjected them to police harassment, invasive and frequent medical exams, reform institute abuses, intensified poverty, and pimps.

Notes