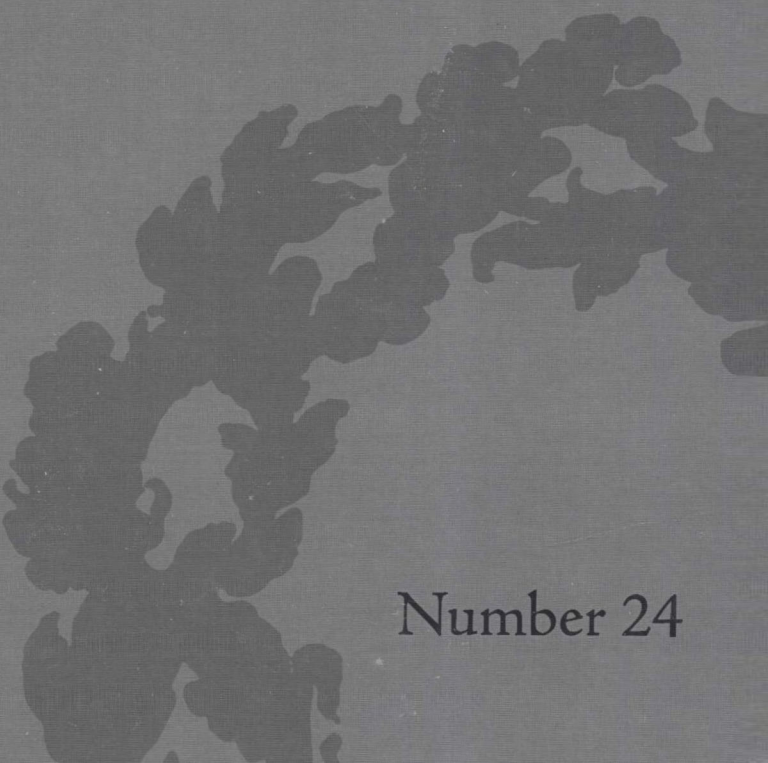


Policing Prostitution,

1856–1886

Catherine Lee

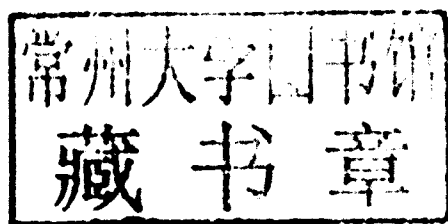


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POLICING PROSTITUTION, 1856-1886:
DEVIANCE, SURVEILLANCE AND MORALITY

BY

Catherine Lee



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DEVIANCE, SURVEILLANCE AND MORALITY

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I have been living with Sarah Darge, Catherine Jackson and the other women who feature in this book for many years. This study was initially conceived as a postgraduate project, after I discovered that the corner of Kent where I then lived once enjoyed the notoriety of being at the centre of the controversies caused by the Contagious Diseases Acts in the 1860s. This discovery was all the more remarkable for being matched by near silence on the subject in local record repositories. The project has taken me in many different directions since then, but I have tried to keep Sarah, Catherine and the human dimensions of their experience in view throughout, and it is to them that the book is dedicated.

I owe a debt of gratitude to the Open University for the support I received whilst undertaking the original research on which this book is based, and to Debbie Brunton and Donna Loftus for encouraging me to believe that it justified further development. Conversations with Suki Haider and with Julia Laite have stimulated and sustained me.

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INTRODUCTION

Soldiers and prostitutes assemble around the doors of two notorious beer houses, and their drunken laughter, uproarious conduct, and foul language, is perfectly disgraceful. On Thursday night I saw four of these shameless women near the passage leading to Mill Bay, and their conduct was most annoying to respectable persons.¹

Perhaps no class of sufferers are more hapless than these poor women, everyone's hand being against them.²

These extracts, from the *Folkestone Chronicle* in 1870 and the *Chatham News* in 1873, encapsulate the conflicting discourses surrounding prostitution in the second half of the nineteenth century. The author of the letter to the *Chronicle's* editor reflects one strand of this discussion in accentuating the alleged offence and nuisance caused by women, labelled as 'prostitutes' and described as 'shameless', to so-called respectable townspeople. The references to 'drunken laughter', non-specified 'uproarious' behaviour and 'foul language' suggest a rejection of conventional codes of acceptable female conduct on the part of the women themselves. They also reflect prevailing societal attitudes, intolerant of deviance yet at the same time prurient. In contrast, the speech given at the annual meeting of the Friends of the Chatham House of Refuge, as reported in the *News*, reflects a differentiated strand of discourse in highlighting misfortune, suffering and victimization, seemingly designed to elicit sympathy. The disparity between the two perspectives exemplifies the contradictions that permeated public discussion of prostitution at this time.

Prostitution was ubiquitous in the ports, dockyards and garrison towns of Kent in the second half of the nineteenth century, the consequence of a combination of supply and demand factors that took the form of poor employment opportunities for women and the presence of extensive naval and military installations. Under these conditions, complaints about soliciting and other behaviour deemed to be offensive, underpinned by fears of the breakdown of social order, filled the columns of the local press. In Sheerness on the Isle of Sheppey there were complaints of 'prostitutes walking the streets unbonnetted' and in Canterbury of 'flagrant toleration of immorality ... notoriously loose women promenaded the principal walks and places of resort without apparently any surveillance'.³ The

Vicar of St Mary's in Dover wrote of the 'open indecency and downright *assaulting* temptation ... nightly infesting our streets.'⁴ Rescue and reform initiatives, such as those undertaken at the Chatham House of Refuge, introduced a more sympathetic tone into the discussion, as articulated in speeches made at the various institutions' annual meetings: 'To assist in rescuing any individual from such a life of horror as that of an "unfortunate" is a good deed.'⁵ A variant of this theme was the motif of the betrayed, fallen woman, incorporated into the local debate by a Gravesend correspondent: 'those, who, having been once betrayed, sacrifice their once prized honour and a priceless soul for illicit gain or a nefarious livelihood.'⁶

The reflections of these commentators, articulated through the columns of the local press, indicate that community discourse surrounding the perceived problem of the 'social evil' encompassed the whole spectrum of contemporary attitudes, and the same tensions and inconsistencies that characterized the wider national and professional commentaries. The streetwalker was deemed to flout society's codes and conventions on female behaviour and dress; she 'swarmed' like an animal yet was at the same time a soiled dove; she was a victim of betrayal yet was at the same time predatory; dirty yet ostentatious, degraded yet assertive. She violated all notions of public respectability and impeded honest mercantile endeavour by obstructing the public thoroughfare, thus her offending behaviour ought to be restrained and her freedoms curtailed. The common theme was the call for surveillance, regulation and control. Local discourse therefore echoed wider debates in articulating the so-called 'social evil' in terms of a problem requiring action. Proposed remedies ranged from castigation and suppression, to rescue and reform.

The same themes permeated national and professional debates. Traditional, received accounts of the prostitute figure's inevitable descent into destitution, disease and early death had been challenged earlier in the century by French public hygienist A. J. B. Parent-Duchatelet, who suggested that, on the contrary, prostitution was a temporary and transitional phase through which some women of the labouring poor passed before being re-assimilated into the ranks of the respectable working classes.⁷ His study of Parisian prostitution was the first scientific attempt to quantify and analyse the perceived social problem, and it concluded that prostitute women were not permanently excluded from the ranks of the respectable working poor, but possessed more self-determination than had previously been recognized.⁸ This theme was taken up in Britain by William Acton, venereologist, member of the Royal College of Surgeons and prolific contributor to the *Lancet*, whose major 1857 work *Prostitution* was based on his own survey of the patterns of prostitution in London.⁹ Acton challenged what he considered to be three 'vulgar errors' regarding the downward progress of the prostitute figure, namely that there was no escape from prostitution, that it led inevitably to moral and physical decline and that this decline was rapid. According to his twentieth-century editor, Acton challenged 'the con-

ventional parable that prostitutes necessarily rotted in ditches, died miserable deaths in workhouses, or perished in hospitals'.¹⁰ On the contrary, Acton argued that vast numbers of women who engaged in occasional and part-time prostitution merged inconspicuously into the mass of the working poor and were either re-assimilated back into this class after a few years on the streets or took advantage of the opportunity for upward social mobility. Acton concluded by arguing the case for state regulation as a means of containing sexually transmitted disease, thus focusing on a stratagem of legal containment rather than suppression.

The conventional parable refuted by Acton had associated prostitution with permanent social ostracism and an inevitable decline into disease, destitution and early death. It was endorsed by writers such as William Tait, William Logan and W. R. Greg, who each rejected Parent-Duchatelet's findings and reinforced the traditional, previously held 'downward spiral' stereotype. Tait was house surgeon to the Edinburgh Lock Hospital and secretary of the Edinburgh Society for the Protection of Young Girls. His 1840 survey of prostitution in Edinburgh had condemned male sexual license and identified poverty and unemployment as contributory factors. William Logan, a city missionary for over twenty years, wrote about his extensive first-hand experience in lock hospitals, Magdalen asylums and workhouses, most notably in Glasgow. Logan rejected Acton's thesis of prostitution as a transitory phase, considering it 'nonsense, absolute and unmitigated'.¹¹

The 'downward spiral' model was further reinforced by W. R. Greg, contributor to the radical political *Westminster Review*, who made an emotive plea for a more compassionate attitude towards the prostitute, concluding, in agreement with Tait and Logan, that 'the career of these women is a brief one; their downward path a marked and inevitable one'.¹² Greg was amongst those commentators who identified the prostitute as a victim either of circumstances such as poverty or upbringing, of her own 'weakness', or of mistreatment by a male seducer. Urging a public attitude of 'grief and compassion rather than indignation and contempt' for the prostitute figure, Greg nevertheless concluded that prostitution was unavoidable and, like Acton, he proposed state regulation.¹³

The argument for regulation was strengthened by the association of prostitution with venereal disease and by the increasing authority of the medical profession. Thus, discussions of prostitution were additionally infused with themes of disease, contagion and contamination, which also informed wider sanitary reform debates. As prostitution became increasingly perceived as a significant social problem in need of a remedy, the image of the prostitute as a conduit of infection and agent of physical corruption was juxtaposed with that of the deserving recipient of compassionate charity. Whilst these stereotypes pre-dated the nineteenth century, they became more fully developed and more widely disseminated over time. The 'agent of decay and contagion' image combined concepts of both moral and physical contamination. Greg claimed that 'Prostitutes have been allowed to

spread infection on all sides of them without control'.¹⁴ Physical and moral decay were combined within the discourse by commentators who demanded a single standard of sexual conduct and a purity of sexual relations.

A contrasting stereotype, that of the prostitute as a deserving recipient of compassion and charity, was, it has been claimed, mobilized by reform workers to generate financial support for Magdalen homes, and in the words of one historian, 'to soften the hearts of potential benefactors'.¹⁵ For example, William Dodd, preacher at the London Magdalen home, defined the prostitute figure as more sinned against than sinning, a victim of male exploitation and of the dual sexual standard. This approach to the public discussion of prostitution, as has been seen, was echoed in the debates conducted at a local level in Kent in the promotion of rescue and reform efforts. These initiatives, whilst couched in more sympathetic language, likewise represented regimes of surveillance and control over women involved in prostitution, albeit of a different character to state regulation.

A range of contradictory stereotypical images therefore emerged both to define the prostitute-figure and to account for her move into this way of life, reflecting the nineteenth-century predilection for classification and scientific analysis. These images were theorized in terms of sets of polarized opposites. One of the most enduring pair of images, that of 'prostitute as autonomous agent' in opposition to 'prostitute as helpless victim', was a recurring theme and one to which this discussion will return. It would be an over-simplification, however, to view the debate on prostitution in terms of the replacement of one paradigm by another. More accurately, a number of models co-existed in the professional and popular imaginations, which have been described as a 'loose and pluralistic collection of ideas and images'.¹⁶ The degree to which the prostitute was the agent of her own destiny on the one hand, or a victim of circumstances on the other, was a persistent theme within nineteenth-century commentary and one that historians of nineteenth-century prostitution have revisited.¹⁷ Remedial strategies, from repression and regulation to rescue and reform, took account of and corresponded to these pluralities within the dominant discourses.

These pluralities, as has been seen, were disseminated at a local level where the tensions and contradictions outlined above were rehearsed and reinforced. The Kentish press played a significant role in this process; reportage consisted of editorials, letters written to editors by members of the public, reports of speeches made at events such as the annual general meetings of rescue institutions, and of the transactions of Town Councils and their various sub-committees. Characterizations of prostitute women ranged across the spectrum from 'lost and fallen ones ... whose youth, inexperience or misfortunes have laid them open to the seducer's artifices', to 'dirty groups of prostitutes parading the public streets', to self-directed offenders against standards of decency who 'congregated there for the purpose of luring victims of the opposite sex to some of the vile dens which

are to be found at no great distance'.¹⁸ This reportage also featured regular reports of magistrates' court petty sessions hearings, where wider societal attitudes were reflected both in the prosecution and sentencing decisions of agents of the criminal justice system, and in the discourse of the newspaper court reporters. The women's conduct in the public courtroom and the nonchalance with which they were frequently reported to have met the imposition of custodial sentence were accentuated, as if to emphasize the deviation from prescribed codes of acceptable female behaviour. The verbatim reproduction of Isabella Thompson's retort, as she was being led from the dock to begin a twenty-one-day custodial sentence for being drunk and using 'foul and disgusting language', that she could 'very easily do that' was typical.¹⁹ Details of the circumstances of offences and arrests were also laid before the readership, where they provided entertainment and served a didactic purpose. The notorious Eliza O'Malley of Chatham, on the occasion of one of her numerous arrests during the 1860s, was described to the readership as having been 'running about the street, hollering like a mad woman, naked from the waist upwards'.²⁰

This reportage continued largely unaffected at a local level by the passing of the Contagious Diseases Prevention Act ('An Act for the Prevention of Contagious Diseases at Certain Naval and Military Stations') in 1864. Introduced in response to the alarm generated by critically high levels of venereal disease amongst the armed forces, this piece of legislation reflected the dominance of medical and scientific authority in identifying prostitution as the cause of the problem. It provided for women's compulsory medical surveillance along similar lines to that long-practised abroad, most notably and enduringly in France, but also elsewhere in Europe and across the British Empire. That this measure was limited to districts surrounding military installations (and was not applied to major cities, nor, with one exception, to commercial ports) is a reflection of prostitution's association with the military, and thus by association with the imperialist project. Historians of regulationism point specifically to the military rationale for the CD Acts and to the centrality of regulated prostitution within the military apparatus of imperialist states.²¹ In Britain, the 1864 Act was applied to eleven English and Irish districts, of which three were located in Kent and one in Kentish London. These consisted of key strategic military installations: Chatham, garrisoned naval dockyard town on the river Medway; Sheerness, garrison and naval dockyard on the Isle of Sheppey; Woolwich, site of the naval dockyard, garrison and Royal Arsenal on the River Thames; and Shorncliffe, a military camp on the south-east coast just outside Folkestone. The county of Kent thus felt the impact of the legislation particularly intensely, and the politics of prostitution in these districts reflects the association of regulation with the military. Members of the Parliamentary Select Committee appointed to investigate into the operations of the legislation, for example, heard evidence alleging that the provision of medically inspected

women for the purposes of prostitution was understood by the ordinary soldier to be a routine part of barrack-room life.²²

Under the provisions of the new legislation, a police officer was authorized to instruct any woman he knew, or suspected, to be involved in prostitution, and therefore likely to be infected with a sexually transmitted disease, to undertake to be medically examined. If she was found to be infected, she was to be detained for mandatory medical treatment for a period of up to three months. Women could choose sign a so-called 'Voluntary Submission Form' and submit to examination voluntarily, thus bypassing the requirement to appear before a Justice of the Peace in petty sessions. Those who did not comply were to be prosecuted through the magistrates' courts and sentenced to detention in prison. Additionally, brothel-keepers whom it was felt had reasonable grounds to believe that a woman was infected could be fined or imprisoned for allowing them to remain on the premises. An equivalent medical surveillance of the women's male sexual partners was not provided for under the law, though some regiments claimed to carry this out voluntarily.²³ The 1864 Act was limited to three years' duration and was replaced in 1866, following the investigations of a Parliamentary Select Committee that addressed itself largely to medical evidence. Invited witnesses comprised doctors, the military, police officers and civil servants. The amendment provided for the registration of women as prostitutes and introduced a regular medical examination, extended the geographical territories of some districts, and extended the provisions of the Act to Windsor.

Initially, the introduction of these measures into Kentish territories prompted minimal local public reaction, as measured by the paucity of comment in the local press. This deficiency may be a reflection of contemporary criticism that the legislation had been introduced surreptitiously to avoid publicity, with the result that it was little known outside of military and medical circles.²⁴ Over time, however, and with growing calls from the Association for Promoting the Extension of the Contagious Diseases Act to extend the legislation elsewhere in the country, press attention and wider awareness were generated. Public meetings in Chatham in early 1868, and in Gravesend a couple of months later, for example, attracted press comment. The *Chatham News* informed its readership that 'Chatham has taken a very prominent position in a question which is at this moment being discussed throughout the length and breadth of the land'. Amongst the 'influential gentlemen' of Chatham who accepted positions as vice-presidents of the association were the chaplains to the lock hospital and to the House of Refuge.²⁵

Finally, in 1869, a third and final amendment lengthened the maximum medical detention period to nine months from three, introduced a clause enabling the temporary detention of women found unfit for examination (for example, menstruating or drunk), and authorized visiting surgeons to relieve women from examination in certain circumstances, after consultation with the police. Most

significantly, for this study's focus on the impact of the legislation in Kent, the amendment extended operations to a further six districts, including the Kentish territories of Maidstone, Gravesend, Canterbury, Maidstone, Dover and Deal, whilst the Woolwich district was extended to include the parish of Greenwich.

The subjected districts of Kent have been described by Philip Howell as an 'archipelago', a series of island territories in which the CD legislation applied, surrounded by larger tracts in which it did not. When the 1869 amendment significantly extended this archipelago, the individual islands within it were made more differentiated. The newly subjected garrison towns were not dominated by the military to the same degree as the districts brought under the original 1964 legislation. The origins of Chatham, Sheerness and Woolwich lay with the development of their naval dockyards and associated military installations, and their civilian populations had grown to service them. The origins of the newly subjected areas, however, pre-dated their associations with the military. Gravesend was a river port and market town, Maidstone a market town and the county town, Dover and Deal were coastal resorts and sea ports, whilst Canterbury was a cathedral city. The economies of these locations were less dependent on government enterprise, and they were each incorporated boroughs with long-established rights of local governance. Thus one effect of the 1869 amendment Act was to introduce a much greater degree of heterogeneity into the territories in which the legislation now applied. These variations were related to factors such as economic structure, local governance, and arrangements for the administration of criminal justice and policing. The nature of the relationship between civic and military authorities provided a further level of variation. The politics of prostitution, therefore, operated differently from one location to the next, since the operational relationships between the military and civilian policing agencies, as will be further explored in Chapter 6, were characterized by variation rather than uniformity. Therefore, rather than constituting a single, standardized narrative, the impact of the CD Acts on the ground is more usefully conceptualized as a series of complex, diverse and interrelated ones. These differences necessitate a bottom-up approach to their study, to capture the disparities between one district and another, and to avoid the over-interpretation of singular circumstances.

The extension of the operations of the Acts beyond the naval dockyard towns by the 1869 amendment was also met with a corresponding increase in public and municipal awareness, as reflected in the columns of the local press. Here, the perceived merits and dangers of the legislation were rehearsed and debated, and its operations both at national and local levels noted. This commentary consisted of editorials, reports of local meetings, the routine reportage of local bureaucracy and the publication of letters written by the public to the editors. The impending inclusion of Gravesend under the law in February 1870 was met by a press editorial warning of a 'danger ... common to all women living in the districts to