

Clapping Back at ‘The Clap’: The Contagious Diseases Acts and Female ‘Repealers’ in Great Britain, 1864 and 1886

Linnea Bell

Nineteenth-century Europe was plagued with venereal diseases, resulting in major legislative action to counteract this threat to public health. Two leading countries, France and Great Britain, attempted to combat venereal disease rates through the regulation of prostitution.¹ This article will be focusing on the anti-venereal disease legislation of Great Britain. Interestingly, the British legislation did not condemn prostitution altogether; instead, legislation was primarily concerned with policing the bodies of prostitutes, rather than the actions related to prostitution. Aside from resulting in difficulties for the lives of women accused of prostitution, this legislation led to the creation of women’s activist groups, protesting the invasions that such legislation represented. The purpose of this article is to explore the correlation between public health concerns about prostitution in Great Britain and the rise of women’s protest groups, thereby developing an understanding that both public health concerns and women’s activist groups were the product of a state undergoing modernization. Such modernization is understood as the rise of public action, the creation of Progressive-era social concern, and an increase in the political activities of women. For the sake of historical accuracy, this paper will use the term ‘prostitution’ to reflect the language used in the relevant eighteenth-century legislation.

The modern world can be understood as one of imperial empires and rapid capitalist industrialization; a product of this time period was the modern state. The modern state gave rise to a number of economic shifts in the nineteenth century. One such movement included an increase of women employed in prostitution. In an 1860 statistic,

police estimates placed the number of prostitutes in England, Scotland, and Wales at approximately 28,900 women.² While this number may be astounding for contemporary readers, the reality is that in Victorian England, prostitution was an accessible career path for urban women. Nonetheless, the modern state was unyielding on problems that appeared to be a result of the ‘world’s oldest profession’; this included venereal disease among the population, military men in particular.³

The Contagious Diseases Act (CD Acts) was a piece of legislation enacted in specific towns within the United Kingdom. It was created as a means to curb the rates of venereal disease among military men. The act allowed for the violation and arrest of prostitutes, as well as any women whom police suspected to be prostitutes. Nonetheless, it was opposed by various people, the most well-known being Josephine Butler. Through the actions of women’s advocacy groups—whose membership included Josephine Butler—it is possible to see how British society was affected by modernization. The spread of early feminist ideals rose in conjunction with the developing awareness of the population of prostitutes in Victorian England. The rise in public health concerns, specifically regarding English prostitution, and female opposition toward the CD Acts, are all factors that demonstrate how modernization influenced late nineteenth-century England.

It was the details of the CD Acts that provoked a majority of the criticism, as opposed to the acts in their entirety. What one must first understand is that the CD Acts were a product of their time. Prior to the English CD Acts, similar measures were put in place in France, Hong Kong, Malta, and Ja-

maica.⁴ Not only did these laws exist prior to the CD Acts in Great Britain, but they also resulted in the ability of the legislation to be influential in various regions. This demonstrates a global consciousness, an essential element to correlate the imperial mindset to modernization.⁵

Keeping this aspect of the CD Acts in mind, these acts were a response to the belief of prostitution as a 'social evil' and its ability to be "contained by a system of police and medical supervision."⁶ Proponents of the act regarded it as "something more than a means of imparting health both physical and moral, [as] it forms the commencement of a new legislative era."⁷ This would be an era where government would take an apparently proactive position in ending prostitution. The new laws were intended to "recognize [prostitution's] existence, and to provide for its regulation, and for the repression, so far as possible, of its attendant evils."⁸ More specifically, these "attendant evils" were venereal diseases.

The 1864 Act's logistics specified that within particular military or naval regions, any women suspected to be a 'common prostitute' by a plain-clothes policeman could be compelled to appear for medical examination. The woman could be examined for venereal diseases on her own volition or she would be apprehended and forcibly examined. If the woman was found to have a disease, she would then be held in a certified hospital for treatment.⁹ By 1869, this legislation was operating in eighteen districts in England.¹⁰ Proponents of the CD Acts believed that in order to make the "evil of prostitution [...] as little injurious as possible," it was "necessary both for the sake of the community at large, and of the women themselves" to infringe upon women's freedoms.¹¹ Overall, the CD Acts had supporters as well as opponents, otherwise known as 'repealers'; both of these groups advocated for different changes. Some supporters looked to expand the acts to include civilian areas and wished to increase the term for which a woman was detained. Repealers had a rather straightforward goal: to repeal the CD Acts entirely.

The initial contents of the CD Act of 1864 were more or less maintained between 1864 and 1869. However, some changes did occur, and had a huge impact on the freedom of investigated women whom were found to have a venereal disease. While the laws demonstrate that the aforementioned course of action was not modified, the period of confinement for women with a venereal disease

increased. In 1864, if an examination ascertained that:

such Woman has a Contagious Disease, to be made out and laid before the Justice by whom the Order was made, or some other Justice having the like Jurisdiction; and thereupon such Justice may, if he thinks fit, order the Authorities of such Hospital to detain such Woman in the Hospital for Medical Treatment until discharged by such Authorities, and such Order shall be a sufficient Warrant to such Authorities to detain such Woman, and such Authorities shall detain her accordingly; provided that no Woman shall be detained under any such Order for a longer Period than Three Months.¹²

Additionally, any woman who attempted to leave the hospital prior to being given order to leave could be detained for a term not exceeding two months.¹³ While the overall time that a woman could potentially be detained and lose her freedom under this act was already an astounding five months in 1864, the amount only increased. In the issuing of the CD Act of 1866, women could be detained and treated in the hospital for up to six months, already more than the entire possible length of detainment for a woman in 1864.¹⁴ In 1869, there were a series of repeals to the acts, including, but not limited to, changes in: duration of order, effect of voluntary submission by women, duration of detention, custody of orders discharge, application to surgeon for relief from examination, and places to which the acts extend.¹⁵ Moreover, the duration of detention was extended to a maximum of nine months.¹⁶

The experience of prostitution—the justification for the CD Acts—is also symbolic of the modernization of England. Of foremost concern, however, is how the prostitute had been characterized within this time period. According to William Acton, there were three different categories of prostitutes: "well-dressed, living in lodgings," "well-dressed, walking the streets," and "low prostitute, infesting low neighbourhoods." However, the 'common prostitute' mentioned in the CD Acts is not one of these categories.¹⁷ The laws lacked a coherent definition for the term 'common prostitute.' Thus, any woman could be accused of prostitution. Essentially, what defined a prostitute during this period was ambiguous. An understanding of prostitution is salient in the following address by Josephine Butler from 1876:

You all know, friends, what is the meaning of the awful word 'prostitution.' You know that prostitution is, perhaps, of all evils that have scourged humanity, the greatest and the darkest. Oh! what woes, what wrongs, what sorrows, what agonies, what diseases, what suicides, murders, assassinations, deaths, are wrapped up on the one terrible word, 'prostitution,'—prostitution, the scourge of humanity, the typical crime of the universe from the beginning till now.¹⁸

This address was delivered at the Annual Meeting for the Ladies' National Association for the Abolition of Government Regulation of Prostitution, and it speaks to the immorality that Victorian society associated with prostitution. This passage is interesting, however, because it frames the life of a prostitute as one of intense hardship, and ties it directly to immorality. Conversely, Acton's view that "prostitution consigns to a life of degradation thousands of [the British] female population, ruining them utterly body and soul," frames the life of a prostitute as an explicit choice.¹⁹ While Acton does demonstrate that he believes the CD Acts had the ability to prevent prostitution, there is nothing within the acts that provide any sort of support for women who might consider prostitution as possible employment. This is a factor that female CD Acts opponents were quick to point out.²⁰ In essence, the CD Acts' characterization of prostitution was far from reality. In actuality, the women for whom the CD Acts were designed were victims of the socio-economic system of the time.

The demographics of those who made up the majority of prostitutes is relevant. Undoubtedly, the majority of prostitutes were women, predominantly young women. The majority of these women would not have travelled to new areas to become involved in prostitution, nor would they have spent the entirety of their adult lives in the profession. We can assume that most were single women who had lost one or both parents and who came from the ranks of domestic servants.²¹ Generally, these women were of the under-privileged, young, and impoverished class. The 1860's and 1870's process of modernity, which included industrialization, gave way to the reality of prostitution. That is, it allocated women to a subordinate role, particularly young, under-privileged women.

Industrialization influenced women to begin looking for work outside of the home, but there

were limited opportunities. The work that was open to women was akin to industrial jobs in that they required long hours and paid little. "The low wages were themselves the reflection of the lack of opportunity for female employment which sharpened the competitive forces, while depressing the rates of pay."²² In other words, women were kept at the bottom. Many of these women needed to somehow supplement their wages, and the remedy was often prostitution:

On the whole, there is little to distinguish these women [who became prostitutes] from the large body of poor women who had to eke out a precarious living in the urban job market. Their migration patterns appear to be no different from the general population: most prostitutes were either natives of the city or recent migrants from the local countryside.²³

The fact that prostitutes were really no different from the general population of women demonstrates that they were not in a position that made them exceptional. This implies that prostitution was a relatively normal occupation that women were being forced to enter. Prostitution was, to some extent, an attractive alternative for many women because it held certain advantages over other occupations.²⁴ During this time period, prostitution may have given some women a degree of autonomy, though it could not remove them from the life of poverty established by the process of industrialization.²⁵

Public health was emerging as a central concern for governments in the nineteenth century; hospitals were catering to a large metropolitan population.²⁶ In relation to prostitutes, an interesting aspect of the public health movement was that it was made to relate directly to Victorian beliefs about morality. Regulations on the spread of venereal diseases were rationalized by the understanding

that syphilis was spread through promiscuous sexual contact with diseased prostitutes; that existing voluntary facilities for treating female venereal patients were ineffective as preventive and therapeutic institutions; [and] that available diagnostic and therapeutic methods were adequate to carry out the medical provisions of a regulation system.²⁷

All of this points to the belief that a healthier populace could be achieved through greater regulation, an understanding that went hand-in-hand

with the imperial mindset. Additionally, prostitution was seen to be a problem of the lower class, as Paula Bartley points out: “worsening economic conditions, the growth of socialism and trade unionism and the failure of philanthropy contributed to an alarm in official circles about the increasing immorality of the working class.”²⁸ The CD Acts “were part and parcel of the growing collectivisation and centralisation of the state,” and they were concerned with public health and the perceived immorality of the working class.²⁹

Naval and military men were specifically protected under the CD Acts. These military men were of primary concern not only because of the role they played for the empire, but also the degree to which they increased the demand for prostitution and the health problems that they experienced thereafter. “At the urging of officials in the War Office and the Admiralty who believed that the efficiency of the army and navy was being dangerously impaired because of the high incidence of venereal disease,” the CD Acts took effect.³⁰ The rates of venereal disease of military men were extremely high. In 1864, nearly one in three army personnel hospital admissions were the result of venereal disease. Naval rates of venereal disease were lower, but still extremely high.³¹ Venereal disease was more frequent among sailors and soldiers because the majority were unmarried and thus inclined to have relations with prostitutes.³² In Victorian England, male sexuality was not to be stifled. It was believed that “if prostitution does and will exist in civil life among *celibats*, to hope or believe that soldiers or sailors, healthy, vigorous men, will refrain from promiscuous sexual intercourse (for the majority are not allowed the chances of any other) would be a dream of Utopia.”³³ Essentially, the CD Acts were made to ensure that military and naval men could continue paying for sex without compromising their health, which came at the expense of the prostitutes. “Careful supervision of the health of the [naval and military] men is scarcely less important than weekly examinations of the women, but the precautions must be of a practicable nature, and such as can be carried out without harassing the men.”³⁴ Legislators were more than happy to harass women, but restricting men’s freedom was unacceptable.

The Victorian era was concerned with the relationship between health and morality, as well as imperial values. These beliefs culminated in the control of prostitutes for the well-being of military and naval men. The CD Acts would not have been

established without the desire to have a ‘moral’ society, the public health movement, and imperial glorification of the Victorian period—a glorification that ties directly to patriarchy. These relationships are the results of modernity, and they speak to why the CD Acts were enacted.

Female advocates responded to the aforementioned factors of the CD Acts. While none of these ‘repealers’ supported prostitution—in fact the majority were against it—many women were vocal about the gender inequalities imposed by the CD Acts.³⁵ The women of the Ladies’ National Association, for example, directly opposed the sexism of industrialization and its correlation to the CD Acts. It may be that in the 1860s and 1870s, prostitution had become understood as an ‘occupation,’ something that it had not been associated with a century earlier. A publication by the Ladies’ National Association describes alternatives to the CD Acts:

Now these men, looking at the great scourge of prostitution, what should they have done? Should they not have said, ‘Let us band ourselves together; let us consult and act to the best of our power to lessen this evil on all sides. Let us give to women more work and better wages, so that they may not fall into evil ways. Let us protect young girls; let us throw open more avenues of employment to poor women who have to maintain themselves, and often their families, too; let us make war against drunkenness; let us protect the young and the unprotected; let us punish the seducers of little children; and above all, let us teach our young men, those in our schools and colleges and workshops, that they are bound as much as women to live pure and decent lives.’ This is what these wise men should have said and done; but they did not.³⁶

This address was presented at the group’s 1871 annual general meeting to discuss the abolishment of government regulations on prostitution. The significance of the speech lies not only in the group’s insight, but also illustrates how women were actively involved in political affairs. Men were active ‘repealers’ as well, but what marked this as a modern movement was the women’s involvement.

Documents published by the Ladies’ National Association demonstrate that the women involved had a keen political awareness and did not hesitate to critique the system that was in place. This can also be seen in the *Report of the Ladies’ National Association for the Repeal of the Contagious Diseases Acts For the Year Ending November 14, 1871*. This

report clearly indicated the number of women that were involved in this organization, and how they sought an active role in political affairs.³⁷ These women demanded the repeal of the Royal Commission for a variety of reasons, one being that

although this legislation applies to women only, no woman was asked to take part in the investigation,” and that the “government in excluding women from the Commission is a standing proof of the partial and one sided character of the tribunal to which was delegated the task of recommending legislation for their sex, and would of itself be a sufficient reason why Englishwomen should refuse to submit to its decision.”³⁸

Additionally, the women of the Ladies’ National Association outline the major flaws found in the CD Acts, the majority of which clearly outline how the Acts were used to maintain women in a position of subjugation.³⁹ Likewise, the Ladies’ National Association worked to ensure that women were to be the primary activists, and looked to encourage other women to participate in the movement for gender equality.⁴⁰ Moreover, the women who were politically involved provided a critical analysis explaining the reasons why women were turning to prostitution in England. These female activists recognized that there were structural inequalities that forced women into this occupation, and they addressed the role that men were playing in the immorality of prostitution.⁴¹ Moreover, these women actively rallied other women to petition Parliament against the CD Acts. “It was agreed early in March of [1871], that a monster petition, signed by women, should be presented to Parliament. Such a petition, bearing a quarter of a million of names was very quickly collected: it was presented to the House of Commons in May last, by Mr. McLaren, Member for Edinburgh.”⁴² Overall, not only do the political activities of female ‘repealers’ reveal a clear knowledge of the issues related to the CD Acts, they also demonstrate their desire for political advocacy.

The substantial political activity that was occurring in the period of the CD Acts—which was occurring in tandem with the Women’s Suffrage movement in Britain—suggests that this was a peri-

od of women’s political consciousness. The women of the Ladies’ National Association and the Ladies’ National Association for the Repeal of the Contagious Diseases Acts clearly desired to partake in political activism, and their activities demonstrated an understanding of women’s role in the political process. Many women, including suffragists, “campaigning for the repeal of the Contagious Diseases Acts even though the Acts did not operate in their own town or city.”⁴³ They established that women in Great Britain wanted more than what Parliament allowed them. These female repealers encouraged women to participate in public discussion on major political, social, and medical issues, including: “the double standard of sexual morality; the participation of women in political activity; the control of women by male doctors; and the role of the states in enforcing sexual and social discipline among the poor were all subjected to public scrutiny and debate.”⁴⁴

English prostitution, the Contagious Diseases Acts, and women’s political activism for the repealing of those acts have obvious overlaps. In the 1860s, however, all of these factors have clear connections to the rapid imperialism and capitalist industrialization prevalent in that time period. The sex workers of England were largely assumed to have been seeking supplementary income to the low-wage jobs in which they were employed. That is, many prostitutes had another occupation that did not provide them with a liveable income. The CD Acts were directly related to the health of the British navy and military, two symbols of imperial success. Industrial capitalism and imperialism had a role in the subordination of women. Women’s advocacy groups petitioning against the CD Acts reflected their rejection of these systems. As demonstrated, the Contagious Diseases Acts were established to remove prostitution, whereas the women’s groups had the goal to remove both the Contagious Diseases Acts and prostitution. While all of these aspects of British society, including prostitution, Contagious Diseases Acts, and women’s advocacy groups, were working against one another, they represent essential elements of Victorian British society.

Notes

1. Kristin Luker, "Sex, Social Hygiene, and the State: The Double-Edged Sword of Social Reform," *Theory and Society* 27, no. 5 (1998): 603. <http://www.jstor.org/stable/657941>.
2. E. M. Sigsworth and T. J. Wyke, "A Study of Victorian Prostitution and Venereal Disease," in *Suffer and Be Still: Women in the Victorian Age*, ed. Martha Vicinus (Bloomington; London: Indiana University Press, 1973), 79.
3. Glen Petrie, *A Singular Iniquity: The Campaigns of Josephine Butler* (London: MacMillan London Ltd., 1971), 12.
4. William Acton, *Prostitution Considered in its Moral, Social, and Sanitary Aspects, in London and Other Large Cities and Garrison Towns. With proposals for the Control and Prevention of its Attendant Evils* (London: J. Churchill and Sons, 1870), 1.
5. Acton, 190.
6. Judith R. Walkovitz, *Prostitution and Victorian Society: Women, Class, and the State* (Cambridge: Cambridge University Press, 1980), 33.
7. Acton, *Prostitution Considered*, vi.
8. Acton, vi.
9. Acton, 84.
10. Walkovitz, *Prostitution and Victorian Society*, 1.
11. Acton, *Prostitution Considered*, xi and vii.
12. Great Britain, George Kettilby Rickards, Esq., *The Statutes of the United Kingdom of Great Britain and Ireland* (London: His Majesty's Statute and Law Printers, 1864), 312.
13. Great Britain, 313.
14. Great Britain. George Kettilby Rickards, Esq., "Cap XXXV. An Act for the better Prevention of Contagious Diseases at certain Naval and Military Stations," in *The Statutes of the United Kingdom of Great Britain and Ireland* (London: Her Majesty's Statute and Law Printers, 1866), 89–90.
15. Great Britain. George Kettilby Rickards, Esq., "Chap 96: An Act to amend the Contagious Diseases Act, 1869," in *The Statutes of the United Kingdom of Great Britain and Ireland* (London: Her Majesty's Statute and Law Printers, 1869), 422.
16. Great Britain, 422.
17. Acton, *Prostitution Considered*, 5.
18. Ladies' National Association, "State Regulation of Vice: Address by Josephine Butler," *Annual Meeting of the 'Ladies' National Association for the Abolition of Government Regulation of Prostitution* (Edinburgh: Edinburgh Ladies' Association, 1876), 1–2, <https://archive.org/details/b21450274>.
19. Acton, *Prostitution Considered*, 74.
20. Acton, ix.
21. Walkovitz, *Prostitution and Victorian Society*, 19.
22. Sigsworth, "A Study of Victorian Prostitution and Venereal Disease," 81.
23. Walkovitz, *Prostitution and Victorian Society*, 15.
24. Walkovitz, 31.
25. Walkovitz, 21.
26. Catherine Rollet, "The 'Other War' I: Protecting Public Health," in *Capital Cities at War: Paris, London, Berlin*, ed. Jay Winter and Jean-Louis Robert (Cambridge: Cambridge University Press, 1997), 423.
27. Walkovitz, *Prostitution and Victorian Society*, 48.
28. Paula Bartley, *Prostitution: Prevention and Reform in England, 1860–1914* (New York and London: Routledge, 2000), 84.
29. Bartley, 84.
30. Margaret Hamilton, "Opposition to the Contagious Diseases Acts, 1864–1886," *Albion: A Quarterly Journal Concerned with British Studies* 10, no. 1 (1978): 14, <http://www.jstor.org/stable/4048453>.
31. Walkovitz, *Prostitution and Victorian Society*, 49.
32. Sigsworth, "A Study of Victorian Prostitution and Venereal Disease," 89.
33. Sigsworth, 86.
34. Acton, *Prostitution Considered*, 192.
35. Hamilton, "Opposition to the Contagious Diseases Acts, 1864–1886," 17–8.
36. Ladies' National Association, "State Regulation of Vice: Address by Josephine Butler," 2.
37. Over sixty women were involved in leadership roles in this organization; over on hundred others provided financial support. Ladies' National Association for the Repeal of the Contagious Diseases Acts, *Report of the Ladies' National Association for the Repeal of the Contagious Diseases Acts For the Year Ending November 14, 1871* (Liv-

erpool: T. Brakell, 1871), 2–4, 15–23, <https://archive.org/stream/39002086348555.med.yale.edu#page/n1/mode/2up>.

38. Ladies' National Association for the Repeal of the Contagious Diseases Acts, 8.

39. Ladies' National Association for the Repeal of the Contagious Diseases Acts, 9–10; Ladies' National Association, "State Regulation of Vice: Address by Josephine Butler," 3.

40. Ladies' National Association, 1.

41. Ladies' National Association, 2.

42. Ladies' National Association for the Repeal of the Contagious Diseases Acts, *Report of the Ladies' National Association for the Repeal of the Contagious Diseases Acts*, 10.

43. Bartley, *Prostitution*, 74.

44. Walkovitz, *Prostitution and Victorian Society*, 2–3.