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# Prostitution and the Contagious Diseases Acts in 19th Century British Colonies

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Prostitution and the Contagious Diseases Acts in 19th Century British Colonies

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Prostitution has lasted through drastic changes in technology, wars, and major cultural shifts. While there has been much debate over how venereal diseases began in human history, the topic remains that these two often go hand in hand. Venereal diseases were on the rise in the medicalization test results of the British military men stationed at several different colonies around the world, cataloged in the Royal Commission on the Health of the Army in 1857.<sup>1</sup> These men, after visiting the doctors, were coming up positive for various venereal diseases. In a report from the Select Committee on Contagious Diseases Act, the committee members stated that there had been an outbreak of syphilis at the Aldershot military camp, in England, where many prostitutes frequented. This epidemic forced the British government to attempt to put a stop to this growing threat. Soon after this outbreak, the Act was instituted in hopes of diminishing the spread of diseases, through the abolishment of prostitution, in 1864.<sup>2</sup> The Act focused almost exclusively on protecting the men of the colonies from the consequences of venereal disease, more specifically the British military men.

The Contagious Diseases Act allowed the British government to arrest anyone who was thought to be a prostitute and perform unauthorized, and oftentimes non consensual, medical tests on them.<sup>3</sup> Despite the confidence the British government felt while backing up the Act, there has been plenty of evidence to show that the spread of disease actually increased while the Act was in place, and declined sharply after the repeal in the late 19th Century.<sup>4</sup> Many different organizations were created to put a stop to the unfair treatment against women, such as the Woman's Club and the protests put on by Josephine Butler, despite the fact that the women were

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<sup>1</sup> Judith R, Walkowitz. *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge; New York: Cambridge University Press, 1980. Pg. 74

<sup>2</sup> *Report From the Select Committee on Contagious Diseases Act*. 1866. Pg 10

<sup>3</sup> Judith R, Walkowitz. *City of Dreadful Delight: Narratives of Sexual Danger in late-Victorian London*. Chicago: University of Chicago Press, 1992. Pg. 23

<sup>4</sup> Arnold, David. *Colonizing the Body*. University of California Press, 1993. Pg. 87

known or suspected prostitutes. This paper will explain how discriminatory the Acts were towards the citizens of Natal Africa, India, and the British Isles, more specifically the women who lived in these places. The Contagious Diseases Act was designed to aid in the health and wellbeing of the colonial population from these specific countries. The creation of the Contagious Diseases Act was contrived to address the health of the British soldiers rather than the women who were being infected as well. As a consequence, the Act also blurred the lines between social classes and racial domesticity in the British Isles, which will be addressed throughout this thesis.

These Acts attempted to give British police officers unlimited authority to arrest any woman or girl who was suspected of being a prostitute. The police were “authorized to act in any Part of any Place to which this Act applies.”<sup>5</sup> The woman who was accused would then be taken before a magistrate who, if found guilty of prostitution, would demand that she submit to having a medical examination by one of their approved doctors.<sup>6</sup> Many of the hospitals around the colonies were certified under the Act, which required those hospitals to turn in the names of every prostitute that came into their institute. “...every Hospital certified under this Act shall be deemed a certified Hospital for the Purposes of the said Act, as long as the Operation thereof continues for any Purpose under this Act.”<sup>7</sup> Because of this, many women would have their dignity stripped. Everyone in the towns and colonies would know she was potentially “dirty”, regardless of the result of the examination. This could mean damaging things to her later career, should she decide, or have the opportunity to change careers. As a result of this disregard for the female as a person with feelings and opinions, it becomes clear that the Contagious Diseases Acts focused almost exclusively on protecting the white men of the colonies from the consequences of venereal

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<sup>5</sup>Sir George Kettilby Rickards. *The Statutes of the United Kingdom of Great Britain and Ireland*. 1866 Pg. 84

<sup>6</sup>Margaret Hamilton. *Opposition to the Contagious Diseases Acts, 1864-1886. A Quarterly Journal Concerned with British Studies* Vol 10, No. 1. The North American Conference on British Studies, 1978. Pg. 1

<sup>7</sup>Sir George Kettilby Rickards. *The Statutes of the United Kingdom of Great Britain and Ireland*. 1866. Pg 85

disease, and not to better the health of the female prostitutes who suffered just as severely.<sup>8</sup>

There were several alterations to the Act, after the first version of the Contagious Diseases Act was put in place in 1864. Following this, the second version was applied in September of 1866, and then changed again in 1869.<sup>9</sup>

There were several sources used in this paper that were exceedingly helpful and highly influential towards the thesis statement. These sources are all extremely useful to get a better idea of how the Contagious Diseases Act was created and how they affected different parts of the British colonies. Of course, one of the most valuable sources would be the Act itself, which can be found in *Politics and Empire in Victorian Britain; Liberalizing Imperial Democracy. Act No. XIV. of 1868*. As previously noted in this paper, the Contagious Diseases Act aimed to control and monitor the spread of venereal diseases by way of diminishing the amount of prostitution throughout the colonies. Here, one can go in and read the wording on how the Act aimed to change and affect the British colonies. As somewhat difficult as it is to go back and look at original legal documents like this, they are crucial for fully understanding history and being able to produce an accurate argument. It is important to use these kind of primary sources, especially when learning or writing about an event that had legal documents surrounding it.

*Colonizing the Body*, by David Arnold gives a detailed history behind how the Contagious Diseases Acts affected India. This source did a fair job explaining how India was before, during and after the Acts were instilled and repealed. Arnold focused mostly on how the Act affected prostitution, which was extremely relevant to this topic. One thing about this source is that it seems to be slightly one-sided. While the entire source wasn't utilized for this thesis paper, from the way it was written it could be noted that perhaps Arnold didn't elaborate to the

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<sup>8</sup>Philippa Levine. *Prostitution race, and politics : policing venereal disease in the British Empire*. New York : Routledge, 2003. Pg. 178

<sup>9</sup>Sir George Kettilby Rickards. *The Statutes of the United Kingdom of Great Britain and Ireland*. 1866. Pg. 84

other side of the Acts- namely how the government and other people in higher up positions reacted to the repeal of the Contagious Diseases Act. Nonetheless, this source was still an influential source for this paper.

One topic that was previously touched on was the topic of homosexuality in prostitution in England. This was a topic that was hard to find sources on, because either it was buried by the government, or it just wasn't very common. One source that very useful was Christopher Lane's *The Ruling Passion; British Colonial Allegory and the Paradox of Homosexual Desire*. Not all of this source was helpful or related exactly to this topic of the Contagious Diseases Act. Since information on homosexuality was difficult to find, it wasn't hard to understand how much of a taboo subject it was during the colonial period of Britain. Lane went on to discuss different case studies of homosexual related sexual restraint by local administrations. While these case studies were not all useful to this topic, they were extremely useful for the overall argument of homosexuality and sexuality in the colonies. Lane made an extremely strong argument towards how the fight against homosexuality was in part due to the conflicting masculinity vs. femininity viewpoints and the need for men to feel in control and in power.

*The Statutes of the United Kingdom of Great Britain and Ireland* is similar to the *Politics and Empire in Victorian Britain; Liberalizing Imperial Democracy. Act No. XIV. of 1868*. This source explains more in detail what the Act entails. It explains the terminology that would be used and what power certain people may hold. This came into creation two years after the establishment of the Act itself. The Statutes was an amended version of the Acts, which is why it described the rules and regulations in greater detail than in *Politics and Empire in Victorian Britain; Liberalizing Imperial Democracy. Act No. XIV. of 1868*. Later through the source, it explains the extent of its reach of power as well as the expenses of execution.

*So Destructive of Domestic Security and Comfort': Settler Domesticity, Race and the Regulation of African Behavior in the Colony of Natal* by Jeremy Martens was incredibly necessary when discussing prostitution in Africa. This was Marten's dissertation. Almost every chapter in his dissertation was related to this topic, however only a select two or three were used. With a healthy mix of primary and secondary sources, Martens dissertation was extremely useful for this paper and was argued excellently.

*Prostitution and Victorian Society: Women, Class, and the State* written by Judith Walkowitz was very important for this paper. Two of Walkowitz's books were used in this thesis, and both were extremely helpful when making the argument of unfair treatment because of the Contagious Diseases Acts. This source specifically dealt with and explained how prostitution was viewed in British society. Walkowitz explained the difference between the different colonies as well as how they compared to England as its own area. Walkowitz used a mixture of primary and secondary sources to adequately make her argument on the double standards between genders in English society and how that way of thinking was projected onto the different colonies.

The Contagious Diseases Acts was not the only regulatory measure that was attempted in England and their colonies in the 1860's, however it was one of the more controversial Acts to come out of this time period. According to Judith Walkowitz, the Contagious Diseases Act represented the "high water mark" of Governmentally approved double standards between the sexes.<sup>10</sup> The Act was created to punish one gender for something that was a result of two people having sexual relations. By targeting only the women who were prostitutes, it had the ability to give many men a superiority complex and criminalized the acts of solely the women. These double standards between the sexes went unopposed in the public eye until the late 1860's, when the

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<sup>10</sup>Judith R, Walkowitz. *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge; New York: Cambridge University Press, 1980. Pg. 70

regulationists were forced to rationalize their sexual discriminations, and modify the Contagious Diseases Act several times.<sup>11</sup>

The Act gave the British government authority to name certain hospitals as certified under the Act, meaning these hospitals were where the women accused of prostitution were sent to be “fixed”. These hospitals were regularly inspected by officials who were in charge of making sure everything was running smoothly. No one was allowed to let the prostitutes slip through the cracks, and each prostitute was to be treated with the same amount of respect, which was very little.<sup>12</sup> The officials took great care in deciding which hospitals were to become certified under the Act. Rickards writes in the Statutes:

A Hospital shall not be certified under this Act unless at the Time of the granting of a Certificate adequate Provision is made for the Moral and Religious Instruction of the Women detained therein under this Act; and if at any subsequent Time it appears to the Admiralty or the Secretary of state for War that in any such Hospital adequate Provision for that Purpose is not made, the Certificate of that Hospital shall be withdrawn.<sup>13</sup>

It is interesting to note that religion played a large part in the morals behind the Contagious Diseases Act. The rules and regulations defining which hospitals were to be granted these powers were very strict. Any hospital that did not follow these strict orders were to be publicly scrutinized and shamed. This could mean very damaging things for the reputation of that hospital, and the Doctors and Nurses within it.<sup>14</sup>

While it is very widely known that the need for certified hospitals among the colonists were necessary for the Contagious Diseases Acts, very little is known about the colonial

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<sup>11</sup>Judith R, Walkowitz. *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge; New York: Cambridge University Press, 1980. Pg. 71

<sup>12</sup>Sir George Kettilby Rickards. *The Statutes of the United Kingdom of Great Britain and Ireland*. 1866. Pg. 86

<sup>13</sup>Sir George Kettilby Rickards. *The Statutes of the United Kingdom of Great Britain and Ireland*. 1866. Pg. 86

<sup>14</sup>Sir George Kettilby Rickards. *The Statutes of the United Kingdom of Great Britain and Ireland*. 1866. Pg. 87



government's steps to try and stop the spread of contagious diseases in the colonies.<sup>15</sup> What historians do know is that the Act made it necessary for only approved hospitals to be able to inspect those who were accused of prostitution, or were assumed to be infected, according to the Contagious Disease Act. Unfortunately, no sources were able to give any insight on what the Doctors did to try and prevent the spread of diseases, nor is there much information about the non government approved hospitals being used for tests on infected prostitutes.

Why was the Contagious Diseases Act needed or constituted in the first place? As an increase of venereal diseases in the medicalization tests of military men on military bases in England, and their colonies, heightened, the loss of man-hours at work was detrimental. Men would become infected with a diseases more often than not after having sex with a prostitute. As more men were becoming infected, they were then unable to perform their military duties, such as protecting the civilians, and enforcing British law. In each country where the Act was instilled, that country was granted the right to alter the Act to better fit that specific countries needs and standards.<sup>16</sup> Venereal Diseases were not the only thing worrying the English government about their military men, things such as desertion, alcoholism, homosexuality, and a lack of motivation and professionalism were severely impacting the success of the army.<sup>17</sup>

Since men were the ones becoming infected by prostitutes, why not punish the man for interacting with someone who was known to possibly be diseased? The answer is because it was easier for the government to attack those who were already considered less than desirable. Men who were working in the military were respectable. Working to help protect your country was seen as extremely honorable. As author Judith R Walkowitz explains in *Prostitution and*

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<sup>15</sup> Jeremy C Martens. *Almost a Public Calamity: Prostitutes, Nurseboys, and Attempts to Control Venereal Diseases in Colonial Natal, 1886-1890*. Pg. 28

<sup>16</sup> Sir George Kettlby Rickards. *The Statutes of the United Kingdom of Great Britain and Ireland*. 1866. Pg. 88

<sup>17</sup> Judith R, Walkowitz. *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge; New York: Cambridge University Press, 1980. Pg. 73

*Victorian Society: Women, Class, and the State*, a prostitute was considered the “conduit of infection to respectable society [and] was nonetheless an object of class guilt as well as fear”, meaning that the prostitute would then become a “symbol of sexual and economic exploitation under industrial capitalism”.<sup>18</sup> Essentially, it was easier to blame the weaker sex, particularly when their job description was already one to think less of. It was also easier to believe that it was natural for men to visit prostitutes because of their “manly occupations,”. Visiting prostitutes was considered a “healthy [and] innocent [way to] relieve the tedium of life in barracks and on board ships.”<sup>19</sup>

Sometimes the British police weren’t always forced to make the arrest against these women. It was fairly common that the accused woman would agree to have these tests done through her own decision to turn herself in, with the alternative being jail and medical tests after persecution, where she would “sign away her good name”, and spend up to 12 months coming in periodically for “voluntary submission”, just to try and lessen her chances of dealing with accusations of being a prostitute.<sup>20</sup> However, the infected enlisted military male clients never had these tests imposed on them. If a man decided he didn’t want to undergo these tests, he was under no medical obligation to do so. Women had no option, while men had every opportunity. In a Report of the Royal Commission from 1871, their reasoning behind this double standard was that there was “no comparison to be made between prostitutes and the men who consort with them. With the [men on] the offense is a matter of gain; with the [women] it is an irregular indulgence of a natural impulse”.<sup>21</sup> This “natural impulse” being man's natural inclination towards lust, and women’s birth right of obeying their needs.

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<sup>18</sup> Judith R, Walkowitz. *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge; New York: Cambridge University Press, 1980. Pg. 4

<sup>19</sup> Judith R, Walkowitz. *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge; New York: Cambridge University Press, 1980. Pg. 75

<sup>20</sup> Josephine, Butler. *The Prostitution Campaigns: The Ladies' Appeal and Protest*. Taylor & Francis, 2003, Pg. 45

<sup>21</sup> Judith R, Walkowitz. *City of Dreadful Delight: Narratives of Sexual Danger in late-Victorian London*. Chicago: University of Chicago Press, 1992. Pg. 23

There were cases where the women would sometimes turn themselves in to be examined, which could be for their own personal health reasons, or possibly to avoid getting into any legal trouble. The woman would sign a "voluntary submission for the inspector of police" <sup>22</sup> If found to be suffering from venereal disease, she was sent to a government approved hospital where she could be detained for three months or longer, at the discretion of the physician in charge. If she refused to submit to the examination or to enter the hospital, she could be imprisoned, potentially with hard labor as an additional punishment. <sup>23</sup> Regardless of the penalties, many women were more willing to go to prison than to subject themselves to these tests. Elizabeth Hounsom, a woman who held the record for the most times placed in jail, explained that she "would rather spend fourteen years in prison than submit to [the treatments and tests]." <sup>24</sup> Elizabeth Hounsom was sent to prison 5 times, all for refusing to attend her examinations. However, she was not the only woman to protest the treatments so much that she was repeatedly sent to prison. Many women fought this unfairness right from the beginning. Upon being examined, Doctors concluded that there were two principal forms of direct transmission between diseases: sexual contact and "innocent infection". Innocent infection occurred, for example, when a child is breast feeding from an infected mother or wet nurse. <sup>25</sup> If after releasement from these required medical tests, the woman has proved that she is no longer a prostitute by being viewed as good in the public eye, she was "relieved from periodical Medical Examination." <sup>26</sup>

The double standard between the two genders was also carried out through the medical tests and how they were performed between men and women. Prostitutes had their medical

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<sup>22</sup> Douglas Kingsford. *A Critical Summary of the Evidence Before the Royal Commission Upon the Contagious Diseases Acts, 1866-1869*. London, Tweedie and Co. [etc, 187] Pg. 11

<sup>23</sup> Margaret Hamilton. *Opposition to the Contagious Diseases Acts, 1864-1886. A Quarterly Journal Concerned With British Studies* Vol 10, No. 1. The North American Conference on British Studies, 1978. Pg. 1

<sup>24</sup> Judith R Walkowitz. *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge; New York: Cambridge University Press, 1980 Pg. 202

<sup>25</sup> Philippa Levine. *Prostitution race, and politics : policing venereal disease in the British Empire*. New York : Routledge, 2003. Pg. 195

<sup>26</sup> Sir George Kettilby Rickard . *The Statutes of the United Kingdom of Great Britain and Ireland*. 1866. Pg. 92

inspections forced upon them. The Doctors were given the right by the Act's to pick and prod at the genitals of the woman without any consent. If the woman decided against the medical tests, she would be sent to prison, where it was extremely likely that she would have no other option but to succumb to the tests.<sup>27</sup>

[If] she neglects or refuses to do so, the Superintendent of Police, or a Constable acting under his Orders, shall apprehend her, and convey her with all practicable Speed to that Hospital, and place her there for Medical Treatment, and the Certificate of the Visiting Surgeon shall be a sufficient Authority to him for so doing.<sup>28</sup>

The accused could of course protest against the accusations. If the woman considered herself entitled to be discharged, she had the ability to fight for her right, although these rights were not always granted.<sup>29</sup> Although with this possibility of being able to fight for her freedom, the accused was not allowed to solely use evidence that would prove her innocent of being a prostitute, she would additionally need to “rebut...the state of mind of her accuser.”<sup>30</sup> Upon her discharge from the hospital, it was expected that the woman return back to her old place of residence, were these rights granted to her.<sup>31</sup>

In the *Critical Summary of the Evidence Before the Royal Commission Upon the Contagious Diseases Acts*, there were two other cases of women turning themselves in for the voluntary medical tests. In the case of Maria Bennett, a woman who had signed a voluntary submission form even though the only proof the police had to suspect her of prostitution was that

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<sup>27</sup> Margaret Hamilton. *Opposition to the Contagious Diseases Acts, 1864-1886. A Quarterly Journal Concerned with British Studies* Vol 10, No. 1. The North American Conference on British Studies, 1978. Pg. 1

<sup>28</sup> Sir George Kettilby Rickards. *The Statutes of the United Kingdom of Great Britain and Ireland*. 1866. Pg. 89

<sup>29</sup> Sir George Kettilby Rickards. *The Statutes of the United Kingdom of Great Britain and Ireland*. 1866. Pg. 90

<sup>30</sup> Josephine Butler. *The Prostitution Campaigns: The Ladies' Appeal and Protest*. Taylor & Francis, 2003, Pg. 45

<sup>31</sup> Sir George Kettilby Rickards. *The Statutes of the United Kingdom of Great Britain and Ireland*. 1866. Pg. 90

she had previously been seen “in the company of prostitutes”.<sup>32</sup> While the nationality and location of this woman is unknown, it is a significant case, because this woman was so afraid of the accusations and legality issues that surrounded the hunt for prostitutes, that she voluntarily signed herself up for these tests. It is unclear if she was a prostitute or not, as well as it is unknown if her tests came out positive. But it is easy to assume that she was not alone in this fear.

Another case that sheds some light on how the doctors and nurses treated the accused is the case of Lavinia Lambert, another woman whose nationality is unknown. Lambert at the time of submission, was known to be living with a man, but it is not clear what their relationship status was. Upon arriving to the hospital that is assumed to have been approved by the Acts, a nurse stated that it was no surprise Lambert would show up, because she was "a notorious character", who had been to the hospital previously with a "poor little baby starving, a mass of bones, and both of them were covered with vermin." The author, Douglas Kingsford, criticized the unknown nurse for judging this woman so harshly, when the status of her and her child was hardly a signifier of this woman being a prostitute.<sup>33</sup>

Many people living in the colonies recognized that there was a problem surrounding the subject of venereal diseases and prostitution that seemed to be spreading at an alarming rate. although, not many people were in support of the Contagious Diseases Act.<sup>34</sup> One person in particular was extremely well adapted to fight for the cause of equality while simultaneously attempting to shut down the Contagious Diseases Act in England. Josephine Butler was a well known British social reformer, who made a living trying to fight for women. While Butler was extremely involved in the feminist movement during this time, however it is important to recognize

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<sup>32</sup>Douglas Kingsford. *A Critical Summary of the Evidence Before the Royal Commission Upon the Contagious Diseases Acts, 1866-1869*. London, Tweedie and Co. [etc, 187] Pg. 11

<sup>33</sup>Douglas Kingsford. *A Critical Summary of the Evidence Before the Royal Commission Upon the Contagious Diseases Acts, 1866-1869*. London, Tweedie and Co. [etc, 187] Pg. 1

<sup>34</sup>Josephine Butler. *Singular Iniquities*. New York : The Viking Press, 1971. Pg 13

that Josephine Butler did not consider herself to be a feminist, regardless of the fact that she supported feminist activist groups and movements.<sup>35</sup> Rather, Butler identified herself as a Christian woman, someone who was fighting for equality because God created both man and women, so therefore she believed both should be equal. While the women in the feminist movements were fighting for themselves, Butler stated she was fighting for God.

In a collection of different writings by Josephine Butler's, entitled *Josephine Butler and the Prostitution Campaigns*, originally printed in 1863, there is one specific source within this book that is worth taking a look at for the sake of the argument of this paper. The Ladies' Appeal and Protest was signed by 124 different women, some influential women and some common women. A few of the more influential famous and persuasive women who had their names included in the Appeal were Harriet Martineau, Florence Nightingale, and of course Mrs. Butler herself. These women created the Appeal because they felt that by making such a public protest, they could raise "moral and constitutional objections to the legislation", which in their opinion "was passed by stealth, 'without the knowledge of the country'."<sup>36</sup>

Within the first paragraph within the Ladies' Appeal and Protest, Butler states "Unlike all other laws for the repression of contagious diseases, to which both men and women are liable, these two apply to women only, men being wholly exempt for their penalties."<sup>37</sup> Butler immediately confronts the sexist underlying constructs within the Contagious Diseases Act by bringing up how unfair and unequal it is for the government to simply punish one party for a two party misconduct. There are several main points that Butler makes within the *Appeal and Protest*, with some of the strongest and most persuasive points being the lack of personal security, moral vs. physical protection by the government, and generating the women into "victims of a

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<sup>35</sup> Josephine Butler. *Singular Iniquities*. New York : The Viking Press, 1971. Pg. 89

<sup>36</sup> Josephine Butler. *The Prostitution Campaigns: The Ladies' Appeal and Protest*. Taylor & Francis, 2003, Pg. 1

<sup>37</sup> Josephine Butler. *The Prostitution Campaigns: The Ladies' Appeal and Protest*. Taylor & Francis, 2003, Pg. 45

vice.” The lack of personal security can be best seen in the instance where women had to be extremely cautious of where they were seen walking, at what time of day, and with whom they were seen to be with. If a woman was seen on two different occasions, with two different men, regardless if the relation between the two was platonic, this could be reason enough to accuse her of being a prostitute. Certain areas around the different towns, particularly in England, it was very common to see prostitutes roaming about, so it was ill advised for women to be seen in these areas, especially at night. <sup>38</sup>

Butler argued that the Government was only interested in aiding in the health of the British military men, and not the prostitutes of the countries they were stationed in. These priorities had to be readjusted after there had been several cases of a diseased man would return home after having interacted with a prostitute, then infecting his British wife as well. This proved to be a problem because that fine balance of power between European and ‘other’ became blurred. By blurring these lines, the distinctions between the two classes and the equality levels was questioned. Previously, the British women could claim they were superior because of their race. However, if the British wife had the same diseases as a non-European prostitute, she then had something in common with that women, and didn’t have as much of an excuse to appear above the native women. <sup>39</sup> Although according to Josephine Butler, one of the major forces behind the largely feminist anti Acts campaigns, the difficulty in implementing the Act at the time was mostly due to the difficulty in determining who was a prostitute and who was not, so long as the law enforcement "has good cause to believe". <sup>40</sup> Once the police enforcement obtained a prostitute suspect, regardless if they were correct in her being a prostitute or not, they would still detain her at the magistrate's' discretion, and she would be subjected to imprisonment with hard labour until

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<sup>38</sup>Josephine Butler. *The Prostitution Campaigns: The Ladies' Appeal and Protest*. Taylor & Francis, 2003, Pg. 46

<sup>39</sup>Josephine Butler. *The Prostitution Campaigns: The Ladies' Appeal and Protest*. Taylor & Francis, 2003, Pg. 45

<sup>40</sup>Josephine Butler. *The Prostitution Campaigns: The Ladies' Appeal and Protest*. Taylor & Francis, 2003, Pg. 45

they proved her guilty or not.<sup>41</sup>

One of the most powerful arguments that Josephine Butler made, was to compare the British Contagious Diseases Act to a similar Act created in Paris, France. “The advocates of the system have utterly failed to show, by statistics or otherwise, that these regulations have in any case, after several years' trial, and when applied to one sex only, diminished disease, reclaimed the fallen, or improved the general morality of the country.”<sup>42</sup> Butler is referencing the failed attempt to regulate prostitution and venereal diseases that was started in France years previously. Comparing the British attempt to remove and diminish venereal diseases to the French attempt was a great way for Butler to gain more followers. By showing how the Contagious Diseases Act in France had failed, this would open the minds of more people to believe that the British Acts were a waste and should be shut down immediately. From there, Butler and countless others could then go on to explain in detail the inequality that was hidden between the lines of the Contagious Diseases Act.

While prostitution had been around for many hundreds of years, there seemed to be an exponential increase in the spread and growth of venereal diseases amongst men who were having sexual intercourse with these prostitutes. A Plymouth Doctor stated, “Some girls won't work if they can help it, they will take their easiest way of obtaining money and they will have their dress, they must have their false hair...”<sup>43</sup> This Doctor believed that women were joining the prostitution ring in order to go beyond the basic human necessity to obtain “fancy things” and to be perceived as in a higher status. This ties in with the issue of class, how necessary it was that women could identify themselves as a higher class, or to at least appear to be of higher class than they may have been. The distinctions between the different class levels was ingrained in the

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<sup>41</sup>Josephine Butler. *Singular Iniquities*. New York : The Viking Press, 1971. Pg. 87

<sup>42</sup>Josephine Butler. *The Prostitution Campaigns: The Ladies' Appeal and Protest*. Taylor & Francis, 2003, Pg. 46

<sup>43</sup>Martha Vicinus. *Suffer and be Still; Women in the Victorian Age*. Bloomington, Indiana University Press, 1972. Pg 82



mindset of these men and women. Those in higher class wanted the line of distinction to be very well known, while those in lower class levels wanted to appear more than they were.

The common societal concept at the time was that women were incapable of becoming sexually aroused. The “natural impulses” of men, as explained previously, signified that women had no natural impulses. Thus, trying to prove that it was a woman’s obligation to sleep with and pleasure a man, since she herself would benefit nothing from it but the satisfaction of helping a man with his natural impulse. It was assumed that by becoming a prostitute, they wouldn’t be ashamed of the job, because it was one of the only ways to obtain the nice things that ‘all women wanted’.<sup>44</sup> This again was the governments way of making drastic distinctions between the man and woman. A man who was a productive member of society, fighting for his country and the woman who was only looking for ways to buy new material objects while using the only tools she had the ability to use. However, looking at the argument from this perspective, one can make the conclusion that the men were projecting this need for women to look attractive by owning nice things so that they could attract their men- in turn creating a vicious circle. If the woman did not have nice things, she would not be able to attract a man, but if she did not attract a man, she would not have the money to buy these nice things.

Throughout the history of the British Empire, many different countries succumbed to the British rule. These were not the only countries that became subject to the Acts. Some other English colonies that also were affected include; Hong Kong, Fiji, Malta, Australia, and the Cape Colony.<sup>45</sup> This list changed slightly throughout the duration of the Contagious Diseases Acts, some countries were added to the list while others were able to escape these unfair laws. A

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<sup>44</sup>Martha Vicinus. *Suffer and be Still; Women in the Victorian Age*. Bloomington, Indiana University Press, 1972. Pg 83

<sup>45</sup>Jeremy Creighton Martens. ‘So Destructive of Domestic Security and Comfort’: Settler Domesticity, Race and the Regulation of African Behavior in the Colony of Natal, 1843-1893. PhD diss., National Library of Canada, Bibliotheque Nationale du Canada 2001. Pg. 241

reason being that the colonies where the Acts were instituted were the colonies where the diseases were becoming more of a prominent problem. All these diverse countries were affected in different ways, and had differing levels of success. According to Martha Vicinus, by 1858, it was estimated that one sixth of unmarried women between the ages of 15 and 50 were prostitutes- which equaled out to around 83,000. It was, however, assumed that the number of known prostitutes fluctuated with the fluctuation of the state of trade and employment in any given area. <sup>46</sup>

### Natal Africa

British Imperialism in Natal began around 1849, when Natal was just a Cape Colony. <sup>47</sup> James Wyld, a young geographer who moved his family to Natal, had made it his job to map out the small country for further emigration by the British. However, in his notes he explained that the terrace formation of Natal was very difficult to access by foot, so trains were heavily needed. <sup>48</sup> Once a more established layout had been built in Natal, many more British settlers traveled to Natal. Once the settlers established themselves in Natal, after better transportation around the country had been built, it made things much easier to utilize the many natural resources in the country. Some of the main exports from Natal being wheat, butter, and minerals. <sup>49</sup> The concern over the safety of the Natives grew after realizing that Natal was being overrun by “half-pay[ed] or retired officers of the army and navy, and that ‘it would be hard to find a class of men less fitted to fill legislative and executive departments of a new and rising colony’.” <sup>50</sup> This mixture of a new land being run by less than qualified settlers and the need to expand the British empire lead

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<sup>46</sup>Martha Vicinus. *Suffer and be Still; Women in the Victorian Age*. Bloomington, Indiana University Press, 1972. Pg 78

<sup>47</sup>Alan Frederick Hattersley. *The British Settlement of Natal*. University Press, Cambridge. 1950. Pg. 284

<sup>48</sup>Alan Frederick Hattersley. *The British Settlement of Natal*. University Press, Cambridge. 1950. Pg. 1

<sup>49</sup> Alan Frederick Hattersley. *The British Settlement of Natal*. University Press, Cambridge. 1950. Pg. 281

<sup>50</sup>Alan Frederick Hattersley. *The British Settlement of Natal*. University Press, Cambridge. 1950. Pg. 285

to Natal being one of the more influential countries when discussing the Contagious Diseases Acts.

Because of the British attempts to target and humiliate women accused of being involved with prostitution, race was a major contributor to the creation of the Act, how strong of an influence that the Imperial military authorities played, and the fight for gender equality and gender structure between different races and class levels.<sup>51</sup> Not only were women already seen as insignificant, but to see a man perform those same duties forced white Europeans to question their own gender and sexual identity. The need to prove ones own masculinity as well as project their own ideas and concepts of sexuality onto others was an everyday occurrence in the colonies, regardless of which race was being exploited.

Why target the prostitutes, and not the men who were seeking their company? This is an obvious case of placing the blame on one person for a two person offense. While the prostitutes could certainly be seen as spreading, and serving as the breeding place for the diseases, it is unfair to not place some of the blame on the men who visited them. Jeremy Marten, who has written multiple other dissertations on African history and segregation within the countries, wrote in his dissertation, “One could not punish ‘animal sensuality on the part of the natives’ and at the same time pass a measure ‘encouraging animal sensuality on the part of the Europeans.’”<sup>52</sup> This idea of blaming the women was a very common thought during this time. However, not only where there many men who were against this unfair persecution of women, there were also several high standing men in favor of equality between the sexes. “Mr. Stainbank”, as he is referred to in *So Destructive of Domestic Security and Comfort*, in 1886, made the argument that if this Act was

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<sup>51</sup>Jeremy Creighton Martens. “So Destructive of Domestic Security and Comfort’: Settler Domesticity, Race and the Regulation of African Behavior in the Colony of Natal, 1843-1893. PhD diss., National Library of Canada, Bibliotheque Nationale du Canada 2001. Pg. 221-222

<sup>52</sup>Jeremy Creighton Martens. . ‘So Destructive of Domestic Security and Comfort’: Settler Domesticity, Race and the Regulation of African Behavior in the Colony of Natal, 1843-1893. PhD diss., National Library of Canada, Bibliotheque Nationale du Canada 2001. Pg. 245

going to be in power, it should apply to both men and women. He reasoned that “Men could spread the disease broadcast and there is no penalty, while married men could pass on the disease to their wives”.<sup>53</sup>

In Natal in the year 1890, it was estimated that there were about 250 prostitutes sprinkled throughout the more populated areas of Natal. An estimated 80% of the prostitutes in these areas were African women, however the other 20% was a mix of white and other nationalities.<sup>54</sup> Despite the number of “known” prostitutes in Natal, it seemed to be very difficult to correctly identify what exactly qualifies someone as a prostitute. Some other terms that were used to label prostitutes were ‘St. Helenas’, ‘Cape women’, or ‘Hottentots’.<sup>55</sup> Each country had different terms, whether slang or simply just another term for prostitution. These ones previously explained were unique to Africa. The people who immigrated to the colonies thought so low of the natives, that they assumed “it not prostitutes, [they were] next door to it.”<sup>56</sup> These women were going to be judged regardless of the outcome of their accusations. The settlers in Natal were ready to make that separation between the two groups of people, and to further institute an Us vs. Them concept, that they were going to disregard whether this woman was a Prostitute or not, because these women were not worthy of their time.

Identifying who was a prostitute was a major contributor as to why the Contagious Diseases Acts failed. If a woman who was not a prostitute was accused of being a one, their social status and how they were viewed by their peers gets destroyed and became warped. This

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<sup>53</sup>Jeremy Creighton Martens. ‘So Destructive of Domestic Security and Comfort’: Settler Domesticity, Race and the Regulation of African Behavior in the Colony of Natal, 1843-1893. PhD diss., National Library of Canada, Bibliotheque Nationale du Canada 2001. Pg. 247

<sup>54</sup>Jeremy Creighton Martens. ‘So Destructive of Domestic Security and Comfort’: Settler Domesticity, Race and the Regulation of African Behavior in the Colony of Natal, 1843-1893. PhD diss., National Library of Canada, Bibliotheque Nationale du Canada 2001. Pg. 226

<sup>55</sup>Jeremy Creighton Martens. ‘So Destructive of Domestic Security and Comfort’: Settler Domesticity, Race and the Regulation of African Behavior in the Colony of Natal, 1843-1893. PhD diss., National Library of Canada, Bibliotheque Nationale du Canada 2001. Pg. 226

<sup>56</sup>Philippa Levine. *Prostitution race, and politics : policing venereal disease in the British Empire*. New York : Routledge, 2003. Pg. 180

concept has been compared to the Salem Witch trials, when once accused, it was nearly impossible to prove your innocence. As made famous in Arthur Miller's play, *The Crucible*, once a person was accused of being a witch, everyone around them would panic, and it would be nearly impossible to reclaim your reputation. Those with the money and status to prove their purity and virtue could find ways of getting out of the spotlight. Poor women, or common women were not as lucky to avoid the public scrutiny. This brings into question what markers qualified a woman as a possible prostitute. How a woman was viewed by men, who she spent time with, and where she lived or where she frequented were a few of the reasons she could be judged and accused of being a prostitute. Some places in town had been known to have a high concentration of prostitution, so any woman who was seen walking around alone at a specific time had a higher chance of being accused as a prostitute. This did not help when trying to fight off the accusations.

### Race

Racism of course played a huge part in how the Acts were handled in Natal, and the other colonies. Police officers understood that female prostitutes of all races were the breeding areas of different venereal diseases, however, the black African prostitutes were blamed more often and more firmly than those of other races. Martens uses a quote from W. Fraser, who claimed that black prostitutes "[were] in almost every case rotten with neglected disease, the hideous and awful results of which they are as ignorant of as the cure".<sup>57</sup> Placing the blame purely on women of color, especially while they are residing in their own country of birth, creates a great amount of unnecessary competition between races, regardless of the gender. This

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<sup>57</sup>Jeremy Creighton Martens, 'So Destructive of Domestic Security and Comfort': Settler Domesticity, Race and the Regulation of African Behavior in the Colony of Natal, 1843-1893. National Library of Canada, Bibliotheque Nationale du Canada 2001. Pg. 231

competition between races as well as gender could be seen happening in multiple colonies. An example of the racial and gender structures being challenged is the fear that many European settlers had about black men performing domestic services that were usually reserved for women, regardless of their race.<sup>58</sup>

The need to have this separation between the race and class levels was important to people during the late 19th century because it helped to establish the us versus them concept. By having this distinction between the two groups, it aided in removing the guilt that the more powerful side could face because of the pain they were prescribing onto the weaker group of individuals. It takes away the things the two groups would have in common, and instead builds that separation and shows one side as superior with the other side being weaker.

### Class

This fear of the English men spreading their venereal diseases onto their wives was a considerable concern in the colonies. The idea of what marks a proper high class woman was a major signifier between the social class levels. Prostitutes, regardless of their race, were always considered less than socially appropriate. What separated white “proper” women from anyone “other”, was their sense of purity and grace. If her husband got infected, and in turn, infected them, the English wife would then be judged on the same level as those she previously deemed less important. This distinction between proper and another was necessary to keep the balance of the colonies and the societies within it. The notion of propriety in the colonies played a big part in

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<sup>58</sup>Jeremy Creighton Martens. ‘So Destructive of Domestic Security and Comfort’: Settler Domesticity, Race and the Regulation of African Behavior in the Colony of Natal, 1843-1893. PhD diss., National Library of Canada, Bibliotheque Nationale du Canada 2001. Pg. 223

the creation of the Contagious Diseases Acts. By creating this Act, the British government could then control, punish, and humiliate those who didn't fit their standards of decorum.

### India

The British takeover in India in 1858 was not as destructive as it was in Natal. The conquerors were men “untouched by religious or political reforms” who conquered India “but did not despise it.” These men who established dominance in this country knew that the traditional society and political institutions were “viable” and “admirable.” The British took over India because of the many natural resources and England’s want for more accessible ports located in different countries around the world. However, not all of the settlers thought that India would continue to be as peaceful of a conquering as time progressed further. According to Sir Charles Napier, who explained that “The moment these brave and able natives know how to combine, they will rush on us simultaneously and the game is up.”<sup>59</sup>

Before the establishment of the Contagious Diseases Act in 1864, the concern that England had on the public health of the women in their colonies was minimal. India in particular is an interesting factor due in part to the view that many Englishmen had about natives. The need to fix the “backwardness of [the Indian] existence and the prison-house of domesticity”<sup>60</sup> was a major need felt by many of the military men stationed in different parts of India. It could be argued that these military men thought themselves troubled with White Man’s Burden: a common assumption that it was the job of white men to cure and teach those who are different from them how to properly act.

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<sup>59</sup>Francis G Hutchins. *The Illusion of Permanence: British Imperialism in India*. Princeton University Press, New Jersey. 1967. Pg. 3

<sup>60</sup> Antoinette M Burton, . *Dwelling in the Archive: Women Writing House, Home, and History in Late Colonial India*. New York: Oxford University Press, 2003. Pg. 16

This concept materializes in this case when thinking about why the military was stationed in these different colonies. Placing a military base in a different country does more than just protect the citizens of that country. It also gives an example of how, in this case the British lifestyle was thought to be superior to that of the country they were stationed in. By having these men stationed in these military bases, the natives of these countries could have a first hand experience at seeing how these men and women faring better than the people of their own country. This also allowed the military men the ability to show these people how superior they are to them, thus enabling the White Man's Burden concept, that it is their duty to teach the less civilized how it is to be proper.

This way of thinking may materialize itself in many different ways, however, this paper will focus primarily on the interactions made between British men, and Indian women. After a long day fulfilling their duties, many military men would sometimes find themselves in the company of native female prostitutes. There are at least two different ways of labeling these women; either as prostitutes or as concubines. In Durba Ghosh's book *Sex and the Family in Colonial India*, the term most found is concubine. The difference between prostitution and concubinage is very important. A concubine is a woman who lives with the man and his family. It is extremely possible that the man will be married and will also have several other concubines. These women will sometimes perform sexual duties in exchange for pay. However, at the end of the day, they will return to their bedroom in the house of the man.

Prostitutes were for the most part found at random. The prostitutes would have random encounters with the men, not always having seen them or worked with them before. These women would stand around in the areas that were unofficially designated as an area where prostitutes would work and sometimes live. Men may have had their favorites, although that is not the most common way. For the most part, at the end of the sexual meeting between the man and



the woman, they would both return to their separate homes. By using this concept of having the ability to have a live in concubine, there was no reason to keep the prostitute around. Thus establishing the boundary between concubine and prostitute. Prostitutes were commonly thought to either be unable to produce children, or were keen to something that prevented them from becoming pregnant.<sup>61</sup> It was recorded in over 600 British wills written between the years 1770 and 1840 that there were an innumerable amount of children born between Englishmen and the local women of India.<sup>62</sup>

While it was assumed that many British military men would find themselves in the company of Indian prostitutes, those in higher level military ranks were discouraged from visiting these prostitutes, because it would tarnish their reputation. By making these separations between not only race, but also military levels, the idea of forced segregation created even more barriers and disdain between these varying groups.<sup>63</sup> If a captain in the military were to make that decision not to visit a prostitute, it then puts that prostitute on an even lower level than she already was. He would have to lower his standards in order to see the prostitute. Which meant that if a lower level military men was to visit her, it wouldn't be an issue, and was expected for the most part, because prostitutes were already low in class. This interaction between the man and prostitute would only develop into an issue if a venereal diseases was spread between the two.

The British ruling over India meant that India would also have to abide by the Act's guidelines. This was mainly applied to the brothel and brothel-keepers within the country. The Act states that no woman or brothel keeper may be able to carry on with their business without being registered under the Act, or without having in their possession any evidence of registration as was

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<sup>61</sup>Philippa Levine. *Prostitution race, and politics : policing venereal disease in the British Empire*. New York : Routledge, 2003. Pg. 178

<sup>62</sup>Durba Ghosh. *Sex and the Family in Colonial India: The Making of Empire*. Cambridge, UK; New York: Cambridge University Press, 2006. Pg 110

<sup>63</sup>Durba Ghosh. *Sex and the Family in Colonial India: The Making of Empire*. Cambridge, UK; New York: Cambridge University Press, 2006. Pg. 9

provided for them. The Act also gave the local government more power to make rules for the registration of “...common prostitutes and of brothel-keepers”.<sup>64</sup> The Act instilled in the colonies in India seemed more caring about preventing those who were infected, rather than in some of the other colonies where the Acts were about punishment. At one point in the Act, it stated that “medical treatment, lodging, clothing and food shall be provided gratis for every such woman during her detention in the hospital.”<sup>65</sup> India had a large influence on how the rest of the different colonized people would treat the colonies based off the Contagious Diseases Act. India was seen as “...an education in imperial duties for women suffragists...”<sup>66</sup>

According to author Ghosh, about 70 percent of British military mens salary was spent locally within India, at different culture centers, and shops around the country, so the Indian government was extremely reliant on their wages coming in. Everything the British military did had some sort of significant impact on India as a country. However, just like the Indian government relied on British military income, the British military relied on India and their local populations for things such as food, housing, and entertainment, as well as funds to support their military occupation. The military officials were completely aware that having access to, as Ghosh specifies, “heterosexual sex” was necessary for ensuring the safety of the troops. This was where the native woman were indispensable.<sup>67</sup> There was no research that led to any indication that there had been separate prostitutes for Indian men versus British men. As far as can be deciphered from the sources, the prostitutes were shared between both groups of men.

The dependence between the two groups, British military and Indian women, meant that sexual labor was one of the many jobs that women were able to offer to the economy. There

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<sup>64</sup> *Politics and Empire in Victorian Britain; Liberalizing Imperial Democracy*. Act No. XIV. of 1868. 1868. Pg. 127

<sup>65</sup> *Politics and Empire in Victorian Britain; Liberalizing Imperial Democracy*. Act No. XIV. of 1868. 1868. Pg. 129

<sup>66</sup> Antoinette Burton. *Burdens of History: A Girdle Round the Earth*. The University of North Carolina Press, 1994. Pg. 2

<sup>67</sup> Durba Ghosh. *Sex and the Family in Colonial India: The Making of Empire*. Cambridge, UK; New York: Cambridge University Press, 2006. Pg. 209-210

were many cases where the men who would see these women would then create strong bonds with them, and could form “long-termed attachments”, where the men would then become their “protectors or keepers”. Because of these strong connections made between the men and the Indian women, it was estimated that at least three-quarters of the royal-troops volunteered to stay longer in their deployments so that they could remain with their “indigenous families”.<sup>68</sup> The research has led historians to believe that these women that formed families with the military men were not prostitutes, but common women with whom relationships were formed.

However, this does not go to say that the military men were only about maintaining relationships with their prostitutes, many of the men felt they had a sort of responsibility to the families in India, and that by staying, they were fulfilling their paternal duties, again tying into the White Man’s Burden concept. This paternal feeling and need to protect the women they were fond of can be seen as the men assuming that the women were their possessions- people or things that they as men were in charge of protecting. This is another example of how gender roles were reinforced in the different colonies. These men took it upon themselves to take ownership over these women. Throughout this paper, the ownership was over the woman’s body as a sexual thing, this time it takes the form of possession over her as her protector, possibly assuming that she is too weak to defend herself.

### Homosexuality

As previously mentioned, not all the prostitutes in the British colonies were female, a small percentage of them were male. Proof of the male prostitutes being summoned by female clients wasn’t readily available, which leads historians to believe that these male prostitutes were used for

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<sup>68</sup>Durba Ghosh. *Sex and the Family in Colonial India: The Making of Empire*. Cambridge, UK; New York: Cambridge University Press, 2006. Pg. 210

same sex interactions. Similarly, there was little to no evidence of there being female prostitutes used for female customers. This does not go to say it did not exist, but that it was either extremely rare, or very successfully swept under the rug of history. Due to this need for men to dominate over women, this act of homosexuality was seen as extremely taboo. It blurred the lines of who was in charge, and led to the idea that both partners in a sexual relationship were on the same level of equality.<sup>69</sup>

E.M. Forster, a homosexual writer who grew up during this time, wrote on the difficulty of sexual relations that he witnessed through both nonfiction and fiction novels. His fiction writing that consisted of primarily homosexual characters caused an uproar in British society, due in part to the fact that nearly every one of his works of literature included a prominent homosexual character. Forster fought back on this by explaining how important it was to discuss homosexuality because “what the public really loathes in homosexuality is not the thing itself, but having to think about.”<sup>70</sup> The lack of information referring to homosexuals during this time is telling of how they were viewed. Leaving homosexuals out of history essentially is an attempt to erase them from existence. If there’s no proof of them existing in the 1800’s, it makes a stronger case to erase them from today. Even more interesting is the fact that there was little to no information on female prostitutes who catered to female customers. This is another example of how, even though the British government was not in support of homosexual prostitutes and homosexual relationships in general, women who were interested in other women were not as important or significant enough to include in history. The government attempted to erase male homosexuality, but failed, while it was impossible to find information of female homosexuals entirely. This erasure of feminine homosexuality is extremely significant.

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<sup>69</sup>Christopher Lane. *The Ruling Passion: British Colonial Allegory and the Paradox of Homosexual Desire*. Durham: Duke University Press, 1995. Pg. 147

<sup>70</sup>Christopher Lane. *The Ruling Passion: British Colonial Allegory and the Paradox of Homosexual Desire*. Durham: Duke University Press, 1995. Pg. 149

The purity era, as this time period is sometimes referred to as, was such an impactful point in history because it worked so hard to condemn anything that was sexually deviant such as pregnancy, vagrancy, abortion, and homosexuality.<sup>71</sup> Part of the British government's plan on cracking down on homosexual prostitution was to try to influence a policy on all different types of sexuality. Not only were they attempting to police female prostitutes, this was another way of controlling all sexualities. This was in an attempt to create a bigger separation between proper and improper, as well as femininity vs. masculinity. These men who were seen acting in primarily “female roles” were regarded as a threat to the fine line between what was masculine and what was feminine.

The attempts to eradicate homosexual “deviancies” was made with attempts to quash homosexuality as an idea, as well as to put the power back in the hands of the government. While there isn't much evidence to explain exactly how many male prostitutes there were, it would seem that those men who were found to be prostitutes received extremely harsh punishments. *The Spectator*, a very popular British newspaper during the late 19th century, wrote:

It would mean nothing short of ruin to the Empire if we were once to allow the notion to get abroad that men charged with the duties of administration can be permitted to exercise the tremendous powers placed in their hands to gratify their animal passions. If we fail to punish with the utmost severity men who have used their official position for purposes such as the official in question is said to have used his, then the ruin of the Empire must be at hand.<sup>72</sup>

Here we can see how imperative the notion of men always being in control was, and how much the idea of homosexuality may confuse those boundaries. Political domination and sexual

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<sup>71</sup>Christopher Lane. *The Ruling Passion: British Colonial Allegory and the Paradox of Homosexual Desire*. Durham: Duke University Press, 1995. Pg. 158

<sup>72</sup>Christopher Lane. *The Ruling Passion: British Colonial Allegory and the Paradox of Homosexual Desire*. Durham: Duke University Press, 1995. Pg. 159

restraint were concealed between the lines of the Contagious Diseases Acts, even though the Acts does not explicitly comment on homosexuality within prostitution. This concept also ties into where the British government was to place the blame, in the case of where the venereal diseases had originally been spawned. No longer could the blame be completely placed on the female prostitutes of African descent. Now the blame was forced to be shared amongst every prostitute equally, which again, put men and women on equal footing.

This need to defend the aspect of masculinity within sexuality is related to allowing men the right to excuse any filthy behavior. It was widely assumed that men had no way of controlling their hormones and therefore were not in fault for causing trouble when it came to a decision they have made in the past. Christopher Lane, author of *The Ruling Passion: British Colonial Allegory and the Paradox of Homosexual Desire*, uses a quote from another book titled *Concerning the Eccentricities of Cardinal Pirelli*, which was written in 1926. The author of this book explains how wrong it was how men acted toward their sexual feelings. However, the author of that book never once excuses the male gender, but instead explains that the way they act is because of their “natural lives”.<sup>73</sup> Regardless of how people felt towards the double standards between the two genders, it was still assumed that men were not responsible for their actions because the undeniable desire for sex was natural to them.

### Elements of Change

Since the creation of the Act in 1864, it had been changed and altered several times before its abolition in 1886. These alterations came through “trial and error”, as author Judith Walkowitz explains. Supporters and administrators came together to create some modifications on

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<sup>73</sup>Christopher Lane. *The Ruling Passion: British Colonial Allegory and the Paradox of Homosexual Desire*. Durham: Duke University Press, 1995. Pg. 160

the Act to rectify the flaws in the 1864 edition. The medical measures, as well as allowance and weight of power were increased.<sup>74</sup> With these new additions made, there was an effort to extend the acts and its reach to more colonies. The Harveian Medical Society in London tried to organize the public campaign to extend the Acts in the year 1867.

Their goal in extending the Acts power heavily rested on the ability of accusation of prostitution. The Harveian Medical Society proposed “that any woman who goes to places of public resort, and is known to go with different men although not a common streetwalker, should be served with a notice to register.”<sup>75</sup> Essentially, the group wanted to limit a woman’s right to walk around with male chaperones, regardless of if that woman was a “known streetwalker” or not. If that woman was seen walking with a man different than who she was seen with previously, that woman then had to register as a prostitute and succumb to the medical tests, which limits not only her sexual freedom, but also her freedom to even walk around in her own city. This reinforces the limits to the pro-equality movement between the sexes.

There were several other alterations made to the Diseases Acts through the years. Finally in 1886, the Acts were officially suspended, thanks to Josephine Butler and multiple other “purity reformers” for protesting the unfairness of the Acts.<sup>76</sup> Butler did not keep it a secret that she was appalled at the prospect of the Acts themselves, by publicly voicing her opposition as well as writing several different books vehemently expressing her opposition. Butler was also involved in several other organizations that protested just as loudly as she did. One example of this being the Ladies’ National Association, which under Butler’s command, wrote a “sharply worded ladies’

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<sup>74</sup>Judith R Walkowitz. *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge; New York: Cambridge University Press, 1980. Pg. 78

<sup>75</sup>Judith R Walkowitz. *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge; New York: Cambridge University Press, 1980. Pg. 80

<sup>76</sup>Judith R Walkowitz. *City of Dreadful Delight: Narratives of Sexual Danger in late-Victorian London*. Chicago: University of Chicago Press, 1992. Pg. 86

Manifesto denouncing the acts as a blatant example of class and sex discrimination”<sup>77</sup>, which claimed that the Contagious Diseases Act “deprived poor women of their constitutional rights and forced them to submit to a degrading internal examination.”<sup>78</sup>

Butler protected herself from any public ridicule and possible accusations herself, by utilizing her circle of friends and sister organizations such as the Ladies’ National Association, who would all protect each other should one of them be publically attacked.<sup>79</sup> Butler wrote in response to the Ladies’ Association created to abolish the Acts. “The ladies of England will save the country from this wicked curse...Go on; give the country no rest till this law is abolished!”<sup>80</sup> While Josephine Butler is one of the most famous names to come out of this moment in history, she is by no means the only one who made an impact- good or bad.

While the Act itself is known as a failure, it did aid in helping the governments have a stronger hold on their colonies. Having a stronger hold over the women was both a positive and a negative. Those who viewed the Contagious Diseases Act as beneficial could be led to trust the British government more, thus maintaining colonial control, allowing the government room to make more such changes in the future. Yet, the Acts enraged many of the citizens of these colonies, as well as the citizens in England. This had the exact opposite reaction, where both the English and native people of the colonies did not trust the government, and would fight against any similar legislative actions.

However, this stronghold was proved by seeing other colonies follow suit as the Act was taken down. As soon as the abolition of the Act was instituted in Britain, the other colonies quickly followed suit. This shows how those other countries relied on their colonizing country Britain. The

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<sup>77</sup> Judith R Walkowitz. *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge; New York: Cambridge University Press, 1980. Pg. 2

<sup>78</sup>Judith R Walkowitz. *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge; New York: Cambridge University Press, 1980. Pg. 2

<sup>79</sup> Josephine Butler. *Singular Iniquities*. New York : The Viking Press, 1971. Pg. 89

<sup>80</sup>Josephine Butler. *Singular Iniquities*. New York : The Viking Press, 1971. Pg. 90



Indian government, for example, either wasn't capable of keeping the Act going on its own, or they decided not to chance it and risk the same upheaval as in Britain.<sup>81</sup> Some of the other benefits to come out of this dreadful time was just what the medical examinations revealed to the topic of medical science. Similarly, it helped reinforce how strong of a group feminism was. This movement helped young men and women understand that they had the ability to make change when something was legally passed that they disagreed with.<sup>82</sup>

After all of this unfairness, and ill treatment of women, it is not hard to wrap one's mind around why and how the Contagious Diseases Acts were repealed. Mr. Ryder, as he is mentioned in the Critical Summary of the Acts written by Douglas Kingsford, was a magistrate in England who explained that there was a "gross exaggeration in the numbers given by Inspector Anniss"<sup>83</sup>, an Inspector for the British Government as can be assumed by the context of this document. According to this source, Inspector Anniss immensely overestimated the numbers of prostitutes in England, claiming that "if there were 2000 prostitutes in the Devonport district, 1 in every 9 women between the ages of 15 and 30 must have been a prostitute".<sup>84</sup> However, this proved to not be true, and either the police had miscalculated their numbers or had purposefully given the wrong numbers. If this had been on purpose, it very well could have been an instruction from a higher ranked individual, although there is no exact proof to make this assumption fact.

Kingsford wrote "If so remarkable a diminution in numbers had really occurred, it is hard to see why supporters of the Acts should boast of it, for, on evidence to which we have before referred, it seems certain that the direct result would have been a great increase of venereal

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<sup>81</sup>David Arold. *Colonizing the Body*. University of California Press, 1993. Pg. 86

<sup>82</sup>Judith R Walkowitz. *City of Dreadful Delight: Narratives of Sexual Danger in late-Victorian London*. Chicago: University of Chicago Press, 1992. Pg. 100

<sup>83</sup>Douglas Kingsford. *A Critical Summary of the Evidence Before the Royal Commission Upon the Contagious Diseases Acts, 1866-1869*. London, Tweedie and Co. [etc, 187] Pg. 11

<sup>84</sup>Douglas Kingsford. *A Critical Summary of the Evidence Before the Royal Commission Upon the Contagious Diseases Acts, 1866-1869*. London, Tweedie and Co. [etc, 187] Pg. 11

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disease among the men who frequented this smaller number of women."<sup>85</sup> This is in reference to the fact that during the time in which the Contagious Diseases Act was in power, numbers of prostitutes had increased dramatically, as well as the number of cases of individuals testing positive for venereal diseases. Later in this document, Kingsford explains that the police were known for having a tendency to exaggerate the number of prostitutes.<sup>86</sup> This distrust and unfaithfulness of the British government was one of the most significant reasons that the Acts were abolished. Since the Act was in fact doing the opposite of what it was created to do, by increasing prostitution and affecting the spread of venereal diseases, the British had no option but to abolish the Act in question.

Following the abrogation of the Contagious Diseases Act, registered prostitutes were allowed to leave their punishments, whether that was their jail sentence or the women who were being forced to stay in the hospitals and being tested on. These women then dispersed, and the number of prostitutes diminished greatly. This was probably due to three different reasons. The first reason being that the women moved to different areas, where they continued their work as prostitutes, but were not being found as prostitutes. The second reason being that the women simply found a new career, for fear of the same punishments happening, regardless if the Acts were still in place.<sup>87</sup> Finally the third reason, being the most probable, is that the women who were released from their punishments became "clandestine" prostitutes. This essentially means that the women were unregistered prostitutes who had other jobs besides prostitution, but continued to prostitute herself on a less regular basis. However, it is important to note that this idea of a clandestine prostitute was around even during the Contagious Diseases Act, and that the

<sup>85</sup>Douglas Kingsford. *A Critical Summary of the Evidence Before the Royal Commission Upon the Contagious Diseases Acts, 1866-1869*. London, Tweedie and Co. [etc, 187] Pg. 11

<sup>86</sup>Douglas Kingsford.. *A Critical Summary of the Evidence Before the Royal Commission Upon the Contagious Diseases Acts, 1866-1869*. London, Tweedie and Co. [etc, 187] Pg. 12

<sup>87</sup>Douglas Kingsford. *A Critical Summary of the Evidence Before the Royal Commission Upon the Contagious Diseases Acts, 1866-1869*. London, Tweedie and Co. [etc, 187] Pg. 15

police made no distinction between the two. If a woman was found to have prostituted herself, regardless of how often, she was still worthy of punishment.<sup>88</sup>

Unfortunately, the government's need to control women's sexuality didn't stop with the repeal of the Contagious Diseases Acts in 1886. One situation that is somewhat related is the 1921 trial of Mary Stopes, a woman accused of "taking advantage of the ignorance of the poor to subject them to 'experiments of a most harmful and dangerous nature'".<sup>89</sup> Doctor Mary Stopes was accused of forcing new types of birth control on women, giving them the ability to act on their sexuality freely, with a less likely chance of becoming pregnant, or developing a venereal disease. Other male doctors were less inclined to appreciate her work, because it gave women this sexual freedom. After all the court case arguments, all the evidence, and all the speeches, why then would people have accused her of using her "experimental" tests on willing participants? The Roman Catholic Church had formed the biggest wall between Dr. Stopes and her success. This ties in nicely with how the Contagious Diseases Act had created a separation and a barricade between men and women. The Roman Catholic church had tried to put a stop to her research, claiming that she was taking advantage of and manipulating the sexuality of different people.<sup>90</sup>

The main goal of the Diseases Act was to help the men who were infected, and thereby helping to reaffirm the double standard and gender structures that were created during this time. The Contagious Diseases Act was a legal action made that masked their alternative goal of placing blame and humiliation on the part of the women, so as to demonstrate the gender stereotypes that were already in place. Through class, race, homosexuality, and gender, the Contagious Diseases Act can be seen as a tool to create boundaries and problems between two different types of people. The double standards between the varying groups was evident whether

<sup>88</sup>Douglas Kingsford.. *A Critical Summary of the Evidence Before the Royal Commission Upon the Contagious Diseases Acts, 1866-1869*. London, Tweedie and Co. [etc, 187] Pg. 13

<sup>89</sup>Marie Carmichael Stopes. *The Trial of Marie Stopes*. New York: Barnes, 1968. Pg. 11

<sup>90</sup>Marie Carmichael Stopes. *The Trial of Marie Stopes*. New York: Barnes, 1968. Pg. 34

it was the distinctions made between African prostitutes and white prostitutes, Military Generals and soldiers, or British wives and common prostitutes.

The Contagious Diseases Act's ultimately failed in its attempts to define these boundaries, but did help to contribute to the feminist movement by giving men and women a common enemy. Overall, the Contagious Diseases Act was said to try and improve the morality of men, but the "effect of the Acts has assuredly not been in the direction of lessening fornication."

<sup>91</sup> The Acts failed in their claimed attempt to limit the spread of venereal diseases and instead had penalized women, regardless of their nationality, by subjecting them to horrible conditions and public shame.

<sup>91</sup>Douglas Kingsford. *A Critical Summary of the Evidence Before the Royal Commission Upon the Contagious Diseases Acts, 1866-1869*. London, Tweedie and Co. [etc, 187] Pg. 20

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