

**Whores and the Law: A Case Study of the Sexual Double  
Standard and the Contagious Diseases Acts in Mid-  
Nineteenth Century England**

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## Abstract

This thesis examines how the sexual double standard in mid-nineteenth century England disempowered women and female prostitutes through the Contagious Diseases Acts of the 1860s. The Acts were created in an attempt to lower venereal disease among the soldiers in the British army. The method for this was to target prostituted women suspected of being infected and have them examined after which they could be interned in a lock hospital for three to nine months. Radical feminism has done much to highlight the harm experienced by women in prostitution. Thus using radical feminism, in particular the theoretical perspective of Catharine MacKinnon and Andrea Dworkin, I will explore how the patriarchal society of Victorian England maintained a sexual double standard that allowed sexual promiscuity for men and enforced chastity on women. The women who transgressed these moral ideals were demonised and punished. Although prostitution in Victorian England has been the focus of significant scholarship, there is a weakness in the examination around the sexual double standard's facilitation of the acts. It is the aim of this thesis to use historiography, textual analysis, and a case study of the Contagious Diseases Acts to investigate how the law was influenced by the sexual double standard. This project will build on and contribute to the growing knowledge on prostitution in history.

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## **Table of Contents**

<b>Introduction</b>	<b>5</b>
<b>Chapter One</b> Literature Review and Theoretical Perspective	<b>9</b>
<b>Chapter Two</b> Sowing Wild Oats: The Sexual Double Standard	<b>16</b>
<b>Chapter Three</b> The Expected Role: Women, Marriage and the Private Sphere	<b>19</b>
<b>Chapter Four</b> Grim Realities and Dark Desires: Prostitution in Nineteenth Century England	<b>22</b>
<b>Chapter Five</b> Incubators of Disease: Targeting Women in the Contagious Diseases Acts	<b>31</b>
<b>Chapter Six</b> The Sin of Fornication: The House of Commons Report on the CD Acts	<b>41</b>
<b>Conclusion</b>	<b>53</b>
<b>Reference List</b>	<b>57</b>

## **Introduction**

Throughout history one expression of patriarchal social organisation has been the existence of a sexual double standard between the genders, enabling the sexual freedom of men, while enforcing the chastity of women. This thesis will examine the operation of the sexual double standard in mid-nineteenth century England, with particular reference to female prostitutes and the Contagious Diseases Acts (CD Acts) of 1864, 1866 and 1869. Using the methodological techniques of historiography, case study and textual analysis the thesis will track how the sexual double standard permeated women's lives, prostitution, laws and society. Radical feminism will be used as an analytical framework for investigating the sexual double standard's operation in patriarchal society to socially and politically oppress women. Uniformity of morals and opinions regarding prostitution, women, the CD Acts and the sexual double standard across Victorian England will not be assumed, but this study will focus on the most socially dominant attitudes and beliefs in English society.

The sexual double standard is the patriarchal ideal where men are allowed promiscuous sexual freedom, while women must maintain a virtuous and chaste life. As this is practically impossible, a group of women are required to be accessible for sex outside of mainstream society: prostitutes. For the Victorians, prostitutes and prostitution were the 'pre-eminent categories in the classification of immorality' (Dabhoiwala, 2013, p. 271). They became targets in a religious society clinging to morality in a rapidly developing world. Prostitution was not illegal in nineteenth century England, but prostitutes were the targets of a variety of laws: they could be arrested for 'drunkenness', 'assaulting the police', 'disorderly' behaviour, and 'a simple misdemeanour' (Hemyng, 2005, p. 91). The introduction of the Contagious Diseases Acts from 1864 meant that 'a woman could be identified as a "common prostitute"

by a special plainclothes policeman and then subjected to a fortnightly internal examination [and internment in specialised Lock Hospitals]’ (Walkowitz, 1982, p. 1-2).

This thesis will investigate the ways in which the sexual double standard operated in society and the CD Acts, and how it ultimately disempowered women, in particular female prostitutes. The thesis will answer the following questions:

1. How did a sexual double standard in English society operate to oppress women and female prostitutes?
2. How did the sexual double standard enable the creation of the Contagious Diseases Acts which actively disempowered female prostitutes through legal and social means?
3. Using the case study of the Contagious Diseases Acts of the 1860s, what insight does a radical feminist framework provide for an analysis of the sexual double standard’s disempowerment of female prostitutes in mid-nineteenth century England?

Question one will be answered with an examination of how the sexual double standard operates through nineteenth century England’s idea of separate spheres. Question two is answered with an analysis of women and prostitution to reveal how Victorian society easily targeted “fallen” women because they transgressed ideals of a “good” woman. Question three is answered throughout the thesis, as radical feminism provides for an analysis of how male-dominated societies sexually subjugate women. The thesis contains six chapters. Chapter one is an overview of the literature informing this thesis. It is separated into four categories: radical feminism, prostitution, the CD Acts and nineteenth century England. The first section of the thesis contains chapters two, three and four and focuses on the sexual double standard within women’s lives, the private and public spheres, and prostitution. Chapter two is an analysis of the sexual double standard within a wider English context. Chapter three examines women’s roles, marriage, the private sphere and how these contribute to the sexual double standard. Chapter four analyses prostitution: the prostituted women, the Victorian perception, and how the sexual double standard creates prostitution. The second half of the thesis containing chapters five and six examines the CD Acts. In Chapter five the

examination of the sexual double standard focuses on the Acts' origins, their relationship with the fear of venereal disease, the regulations they produced, and the enforcers. Chapter six is the analysis of four interviews from the 1882 House of Commons Report on the Acts. The thesis uses radical feminism, textual analysis, historiography and case study tools, to examine how the sexual double standard was entrenched within mid-nineteenth century English society resulting in the disempowerment of women, specifically female prostitutes.

### **Historical Context for Nineteenth Century England**

For England, the nineteenth century was a period of change and reform fuelled by the Industrial Revolution. In the context of industrialisation the population of England and Wales rose from 8,872,980 in 1801 to 22,712,266 in 1876, producing 'a new community with possibilities and realities different from anything that had existed before' (Kitson-Clark, 2013, p. 86). The rural-to-urban shift in social organisation, according to Kitson-Clark (2013), created wealth for the masters of industry, the people they employed and people in general; however it brought oppression to children and women who worked in the factories (p. 87-88). All of these factors, asserts Picard (2006), enabled the creation of a middle class. Between the years of 1801 to 1900 these are merely two of the major processes; however they have great bearing upon social, economic and political attitudes.

Robert Ensor claims that 'no one will ever understand Victorian England who does not appreciate that among highly civilised ... countries it was one of the most religious that the world has known ... [while] its particular type of Christianity laid a peculiarly direct emphasis upon conduct' (Ensor, 1936, p. 137). The policing of prostitution through the CD Acts was due to the sexual double standard and the injection of the religious emphasis upon actions. The Industrial Revolution, population increase, urbanisation, growth of the middle class, and staunch religious values shaped English society during the nineteenth century.

## Methodology

In order to examine the sexual double standard in mid-nineteenth century England this thesis combines the methodological tools of historiography, case study and textual analysis.

Historiographical analysis of relevant historical literature guides the first half of this dissertation, shedding light on key understandings of prostitution, women's roles, and the sexual double standard in Victorian England.

Section two relies on the case study and textual analysis methodologies. The CD Acts of 1864, 1866 and 1869 are the focus of the case study – a methodology that facilitates 'gathering enough information about a particular person, social setting, event, or group [in order to] effectively understand how it operates or functions' (Berg, 2001, p. 225). This thesis triangulates between textual analysis of the Acts, with nineteenth century commentary on their application and the modern historical literature on the period. As a case study the CD Acts and prostitution allow for the examination of the sexual double standard as they are both founded and facilitated by it. Prostitution exists due to the sexual double standard, while the CD Acts propagate the ideals of the sexual double standard in their targeting of women to control venereal disease.

Textual analysis has an important role within the case study. McKee states that 'when we perform textual analysis on a text, we make an educated guess at some of the most likely interpretations that might be made of that text' (McKee, 2003, p. 1). This educated guess is founded on the use of the other methodologies which allow for the collection of the contextual knowledge. McKee adds that 'we interpret texts ... in order to try and obtain a sense of the ways in which, in particular cultures at particular times, people make sense of the world around them' (McKee, 2003, p. 1). Textual analysis drives the thesis with interpretations of: The 1882 House of Common's *Report from the Select Committee on*

*Contagious Diseases Acts*; Dr. William Acton's books *Prostitution Considered in its Moral, Social and Sanitary Aspects* (1857) and *The Functions and Disorders of the Reproductive Organs in Childhood, Youth, Adult Age, and Advanced Life* (1871); Bracebridge Hemyng and Henry Mayhew, social researchers and their book *The London Underworld in the Victorian Period: Authentic First Person Accounts by Beggars, Thieves and Prostitutes* (1861); Dr. William Newman's findings in *The Cure of the Great Social Evil* (1869); and Trevor Fisher's collection of sources, particularly the CD Acts excerpts in *Prostitution and the Victorians* (1997). The textual analysis of these primary sources are integral to understanding how the sexual double standard permeated mid-nineteenth century English society.

## **Chapter One**

### **Literature Review and Theoretical Perspective**

The literature informing this thesis has four main foci: radical feminism; prostitution; the Contagious Diseases Acts (CD Acts); and nineteenth century England. Sound research in these areas is necessary for the examination of the sexual double standard and the disempowerment of female prostitutes in mid-nineteenth century English society.

Radical feminism is the theoretical perspective that informs the analysis of this thesis.

Radical feminist theory is the 'studying and theorizing [of] women's situations and experiences ... [with an] emphasis on patriarchal gender relations that produces male supremacy and female oppression' (Davies, 2010, p. 778). To radical feminists, patriarchy is defined as 'a relationship of dominance ... [and they] have used the term to show how men use social systems to dominate women and to make them subordinate. Patriarchy is viewed as a pervasive and trans-historical system of institutionalized relationships of power' (Davies,

2010, p. 779). Radical feminism, as Scoular (2004) writes, has done the most to highlight the inequalities in prostitution and the harm experienced by the women involved (p. 344). Due to this, radical feminism guides the analysis of the sexual double standard in social and legal systems, while also revealing oppression of female prostitutes in patriarchal England during the mid-nineteenth century. The radical feminists that will guide the thesis are Andrea Dworkin and Catharine MacKinnon.

Catharine MacKinnon is an American radical feminist whose article, “Prostitution and Civil Rights”, argues that criminal prostitution laws ‘make women into criminals for being victimized as women’ (MacKinnon, 1993, p. 15). She states that ‘prostitution subordinates, exploits, and disadvantages women as women in social life, a social inequality that criminal prostitution laws then seal with a criminal sanction’ (MacKinnon, 2005, p. 155). Andrea Dworkin was a women’s rights activist, author and critic of sexual politics. Dworkin’s aim was to explore male subjugation of women. Her book *Life and Death: Unapologetic Writings on the Continuing War Against Women*, and the chapter “Prostitution and Male Supremacy”, argues that ‘prostitution comes from male dominance, not from female nature. It is a political reality that exists because one group of people has and maintains power over another group of people’ (Dworkin, 1997, p. 149). The analysis of the sexual double standard in mid-nineteenth century England will be informed by MacKinnon and Dworkin’s arguments on the sexual and legal subjugation of women.

It is important to note that MacKinnon and Dworkin were writing in the 1990s about American prostitutes and society, and this historical difference must be addressed. Jolin (1994) states that during the twentieth century the prostitution debate originated in the Civil Rights agenda and feminist movements of the 1960s (p. 74). However, it is ‘contemporary feminist perspectives, philosophies, and language [that] cast prostitution as a civil rights issue involving either the right to free sexual expression or the right to be protected from male

sexual exploitation' (Jolin, 1994, p. 74-75). MacKinnon and Dworkin are prolific authors with a focus on prostitution. Although there are a number of modern radical feminist works, the 1990s radical feminists placed greater emphasis on prostitution, like Australian Sheila Jeffreys who wrote *The Idea of Prostitution* (1997). Since the nineties their works have evolved to include lesbian and indigenous perspectives. MacKinnon and Dworkin's discussions on prostitution apply to all countries, despite their primary focus on American examples. Their theories will be applied to examples from mid-nineteenth century England, to analyse the sexual double standard.

Many radical feminists have written about prostitution, and their analyses are all useful when examining the sexual double standard in mid-nineteenth century England. MacKinnon's other work *Toward a Feminist Theory of the State* (1989) and Dworkin's *Intercourse* (2007) furthers their arguments. Mary Lucille Sullivan's books, *Making Sex Work: a Failed Experiment with Legalised Prostitution* (2007) and *What Happens When Prostitution Becomes Work: An Update on Legalised Prostitution in Australia* (2006), also have a legal focus – though her arguments are based on Australian evidence. Sheila Jeffreys is another Australian radical feminist whose works *The Idea of Prostitution* (1997); *Unpacking Queer Politics: a Lesbian Feminist Perspective* (2003); and *The Industrial Vagina: the Political Economy of the Global Sex Trade* (2009), provide a lesbian perspective and include examinations of prostitution globally. Two other radical feminist authors who examine prostitution are: Annette Jolin in her article "On the Backs of Working Prostitutes: Feminist Theory and Prostitution Policy" (1994); and Jane Scoular's article "The "Subject" of Prostitution: Interpreting the Discursive, Symbolic and Material Prostitution of Sex/Work in Feminist Theory" (2004). Finally, Kathleen Barry's book *Female Sexual Slavery* (1979) examines the psychological foundations of prostitution which she argues is a by-product of

male dominance. All of these radical feminist sources aid in the thesis' examination of prostitution and the sexual double standard.

The various sources on prostitution allow for the examination of how the sexual double standard operated and disempowered female prostitutes. Firstly, an excellent source for understanding the sexual double standard is Keith Thomas' article *The Double Standard* (1959) which examines the sexual double standard globally, and details Victorian divorce and prostitution. Thomas (1959) defines the double standard as the social code which allowed men sexual freedom while insisting women remain chaste (p. 197). This in turn creates prostitution, as Thomas (1959) writes that a class of set-aside "fallen" women were the answer to the problem the sexual double standard had created (p. 197). He argues that the 'bland assumption that prostitution was a permanent and necessary evil [led to the] ... direct application of the double standard in that all regulation and medical examination applied to the women alone' (Thomas, 1959, p. 199). The examination of sex and prostitution is also required. Faramerz Dabhoiwala's work *The Origins of Sex: A History of the First Sexual Revolution* (2013) examines the changing attitudes to sex in Western societies which allows for an analysis of the evolution of sex culture and prostitution. Two other sources, Vicinus' *Suffer and Be Still: Women in the Victorian Age* (1972); and Laite's *Common Prostitutes and Ordinary Citizens: Commercial Sex in London 1885-1960* (2012) also provide overviews of prostitution in England during the nineteenth century. Another area of prostitution that is examined for the sexual double standard is reform: both Bartley's work *Prostitution Prevention and Reform in England 1860-1914* (2000) and McHugh's *Prostitution and Victorian Social Reform* (1980), provide excellent overviews on how reform attempts affected female prostitutes. Andersson's book *Streetlife in late Victorian London: The Constable and the Crowd* (2013) allows for an insight into policing and how their practices

affected female prostitutes. Primary opinions on prostitution and venereal disease can be examined in William Logan's work *The Great Social Evil: Its Causes, Extent, Results, and Remedies* (1871). A secondary analysis is also used from Sigsworth and Wyke "A Study of Victorian Prostitution and Venereal Disease" (2013). Prominent secondary sources for this thesis are the works of Judith Walkowitz, which provide an excellent analysis of prostitution and the CD Acts. *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London* (1992) examines Jack the Ripper, however Walkowitz's book *Prostitution and Victorian Society* (1982) holds more significance as it explores the implementation of the CD Acts in Plymouth and Southampton, with the aim to examine 'class and gender relations in mid-Victorian Britain' (Walkowitz, 1982, p. vii). The two important primary resources for prostitution are: Henry Mayhew's *The London Underworld in the Victorian Period* (1861/2005); and Dr. William Acton's *Prostitution Considered in its Moral, Social and Sanitary Aspects, in London and Other Large Cities* (1857). Henry Mayhew (1812-1887), co-founder of the satirical magazine *Punch* in 1841, is often looked to first for his social research and journalistic skills. His book contains the chapter by Bracebridge Hemyng (1841-1901), a barrister and later author of suspense novels, entitled "Prostitution in London", which provides a Victorian analysis of prostitution while offering re-worded interviews with prostitutes. Dr. William Acton (1813-1875), a British gynaecologist who was an expert in venereal disease and a member of the Royal College of Surgeons, like Hemyng, believed that prostitution was 'an inevitable attendant upon civilized, and especially closely packed, population ... [and is in fact] ineradicable' (Acton, 1857, p. 15). However, where Acton and Hemyng differ is Acton's preoccupation with venereal diseases. Although both sources strongly reflect the thinking of the time, they are essential in providing male perspectives on prostitutes and in defining the sexual double standard in Victorian England. All of the sources

allow for the understanding of prostitution, which enables the examination of how the sexual double standard disempowered women involved in prostitution.

The Contagious Diseases Acts of 1864, 1866 and 1869 are an example of how the sexual double standard affected law and disempowered female prostitutes. It is in Trevor Fisher's book *Prostitution and the Victorians* (1997) that excerpts from *The Contagious Diseases Act 1864* (UK) can be examined through textual analysis. However, it is the *Report from the Select Committee on Contagious Diseases Acts; Together with the Proceedings of the Committee, Minutes of Evidence and Appendix* (1882) a massive primary document that enables the textual analysis of nineteenth century conversations concerning the CD Acts and the sexual double standard embedded within them. It utilizes the interviews of seventy one witnesses, including: police officers; priests; physicians; a superintendant of a lock hospital; and nine males and six females. Overall the majority of the report praises the system put in place by the CD Acts despite extensive testimony against them. However, a strong shift in attitudes would lead to the appeal of the Acts in 1886. The report is a highly informative document and the main primary resource when examining the Acts. As one of the witnesses interviewed in the House of Commons Report, Josephine Butler was influential in repealing the CD Acts, Jordan and Sharp's book *Josephine Butler and the Prostitution Campaign: Diseases of the Body Politic* (2003) allows for further examination of her life and campaign. As well as the Acts themselves, the examination of the diseases they were attempting to control are necessary. Works on venereal disease include: the primary sources Newman's *The Cure of the Great Social Evil: With Special Reference to Recent Laws Delusively Called Contagious Diseases' Acts* (1869); and Morgan's *Contagious Diseases: Their History, Anatomy, Pathology, and Treatment: With Comments on the Contagious Diseases Acts* (1877); and the secondary sources Siena's *Venereal disease, Hospitals, and the Urban Poor: London's "Foul Wards" 1600-1800* (2004); and Lane's *A Social History of Medicine:*

*Health, Healing and Disease in England 1750-1950* (2001). Lastly, an important source for examining law is Helen Self's *Prostitution, Women and Misuse of the Law: The Fallen Daughters of Eve* (2005) which argues that attitudes of ingrained prejudice towards prostitutes have influenced government policy. Self's work provides a foundation for this thesis as she references the sexual double standard and the CD Acts; however her focus is on the Wolfenden inquiry in 1957.

The literature on nineteenth century England includes general histories with an emphasis on women and prostitution. Ernest L. Woodward's book *The Oxford History of England: The Age of Reform* (1938) and Robert Ensor's *England 1870-1914* (1936) were the official Oxford historical accounts of the Victorian period, and provide a wider perspective from a not too-displaced historical vantage point. Liza Picard's *Victorian London: The Life of a City 1840-1870* (2006) and Sally Mitchell's *Daily life in Victorian England* (2009) provide a modern female perspective on people's daily lives during the nineteenth century. Other works providing information on social aspects of Victorian life are: Kitson Clark's *The Making of Victorian England* (2013); August's *The British Working Class 1832-1940* (2014); Winter's *London's Teeming Streets, 1830-1914* (2013); Ager's *Crime and Poverty in 19<sup>th</sup> Century England: The Economy of Makeshifts* (2014); and Carpenter's *Health, Medicine, and Society in Victorian England* (2010). Sources specific to women's experiences in the nineteenth century include: Morgan's *A Victorians Woman's Place: Public Culture in the Nineteenth Century* (2007); Shanley's *Feminism, Marriage, and the Law in Victorian England* (1993); Gordon and Nair's *Public Lives: Women, Family, and Society in Victorian Britain* (2003); and Gertrude Himmelfarb's *Marriage and Morals Among the Victorians* (1986). Drew Gray's *London's Shadows: The Dark Side of the Victorian City* (2010) explores nineteenth century society and women before and post-Jack the Ripper, while providing an examination of prostitution. An excellent primary resource for textual analysis is Dr. William Acton's *The*

*Functions and Disorders of the Reproductive Organs in Childhood, Youth, Adult Age, and Advanced Life: Considered in their Physiological, Social and Moral Relations* (1871): this source examines the normal functions and disorders of each stage of human development and places high importance on women's role in marriage and their indifference to sexual enjoyment. The sources selected for this thesis enable the examination of the mid-nineteenth century and the sexual double standard disempowering women, and specifically female prostitutes.

## **Chapter Two**

### **Sowing Wild Oats: The Sexual Double Standard**

In a patriarchal context, the sexual double standard is an ideological hypocrisy that allows male promiscuity while requiring female chastity, based on the 'belief or attitude that a specific sexual behaviour, or all sexual behaviour, is more acceptable for persons of one sex, usually males' (Bullough & Bullough, 1994, p. 173). It has been argued from a socio-biological perspective that the sexual double standard 'is a rule of nature. Men are driven to reproduce as often as possible; women are driven to protect and nurture the few offspring they have and offer their sexual exclusivity in exchange for male support and commitment' (Rutter & Schwartz, 2012, p. 78). Social constructionists argue the sexual double standard 'serves a different purpose; men use it to obtain loyalty from women ... to keep and maintain control, assure access, and establish paternity' (Rutter & Schwartz, 2012, p. 78).

Additionally, radical feminists believe the sexual double standard 'is predicated on the economic and social dominance of men over women' (Jolin, 1994, p. 70). It 'repudiates the modern assertions of the woman that women have a right to love actively and passionately in

marriage, a human right; and also a human right to be loved' and asserts that 'obedience, not love, is the proper basis of marriage for a woman' (Dworkin, 2007, p. 11). The sexual double standard operates due to male patriarchal dominance, as 'male power is inextricably linked with female sexual subjugation' (Jolin, 1994, p. 76).

The origins of this sexual double standard can be observed throughout history. In most patriarchal societies 'women have been accorded a lower status than men ... [and] viewed as the property of their fathers or husbands, and treated as chattel' (Bullough & Bullough, 1994, p. 173). In addition to Christianity, different cultures such as 'the Hindus, the [Muslims], the Zoroastrians, the ancient Hebrews, all to a greater or lesser extent regarded chastity as primarily a female virtue, an essential quality for all women' (Thomas, 1959, p. 205). Bullough and Bullough (1994) write that before the shift in ideals during the nineteenth century, women were believed to be more sexual than men. This belief is thought to have been held due to female control over fertility: which sometimes led to fear and worship by those societies (p. 173). It has been argued that the witch burnings of the fifteenth and sixteenth centuries arose from the fear of female sexuality. Silvia Federici writes that witches were often portrayed 'as social failures (women "dishonoured" or frustrated in love ) or even as perverts' (Federici, 2004, p. 164). It was believed that 'most witches were women, and the gender balance among those accused, tried, and executed reflects this belief' (Wiesner, 2007, p. 149). Historians deduced that 'women's physical and legal weakness was a contributing factor, with unmarried women and widows recognised as even more vulnerable because they did not have a husband to protect them' (Wiesner, 2007, p. 149). The sexual double standard can be seen in this period of persecution: women who were "independent" of direct male control within their marriage or family were deemed dangerous. These ideals led to the conclusion that because 'women were believed to have a strong sexual power, or perhaps

because they were believed to have such power, it was also believed that they must be controlled' (Bullough & Bullough, 1994, p. 173).

However, these attitudes reversed in the nineteenth century. In England, society now 'viewed men as the sexual aggressors and women as frail, refined, and asexual beings' (Bullough & Bullough, 1994, p. 174). Although, the fundamental 'ideological assumption of gender inequality that men are superior to women [did not change, the perception of sexual difference shifted] ... with the [belief] that men are innately more sexual, having a naturally higher sex drive ... needing more sexual outlets ... than women' (Bullough & Bullough, 1994, p. 174). It was now crucial to maintain the virtuous image of a woman, as chastity came to represent a woman's value. Thomas (1959) states that women's chastity as an asset was a deeply entrenched idea that allowed men to arrange marriages for social and economic advancement, and the bridegroom's insistence of virginity necessitated social policing of female chastity (p. 212). It is because of this that 'respectable Victorian wives ... were educated to regard the act of procreation as a necessary and rather repulsive duty' (Thomas, 1959, p. 215). Thomas also states that phrases such as, 'two maidenheads meeting together in wedlock, the first child must be a fool', 'a reformed rake makes the best husband', and 'young men may sow their wild oats' contributed to the ideal that it was preferred that men be sexually experienced before marriage (Thomas, 1959, p. 195). The control that men had over their daughters and especially wives was embedded in the ideal of ownership: 'I own her because I have bought her ... I am morally superior to her because I have bought her; she belongs to me and her behaviour is mine to control' (Dworkin, 1997, p. 110). Thomas writes that the sexual double standard 'is the reflection of the view that men have property in women and that the value of this property is immeasurably diminished if the woman ... has sexual relations with anyone other than her husband' (Thomas, 1959, p. 210). Therefore the sexual double standard was 'but an aspect of a whole code of social conduct for women

which was in turn based entirely upon their place in society in relation to men' (Thomas, 1959, p. 213). Male desire to control female sexuality requires the sexual double standard and male dominance allows female sexuality to be controlled.

At any point in history a form of the sexual double standard operates in almost every society. Due to its basis in misogyny it permeates social, economic and political attitudes. In England during the mid-nineteenth century the sexual double standard influenced how women were expected to behave, thus any women transgressing these ideals were a target for persecution through the CD Acts.

### **Chapter Three**

#### **The Expected Role: Women, Marriage and the Private Sphere**

The nineteenth century class and cultural divides between the working class and the middle class affected female and male life in differing ways. For men both classes engaged in their sexual freedoms, using marriage and prostitution to enable it. Both classes' male identities revolved around providing for their families while affording them the freedom of leisure time. For the middle class, if the men were single, they had such options as 'gentleman's clubs [which were] comfortable male hideouts, affording all the amenities of a well organised home without any responsibility' (Picard, 2006, p. 127). The lower and working classes had their own form of this in the local pub. These pubs remained 'centres of popular relaxation outside the home ... according to one 1853 estimate, 70 percent of working men spent their evenings in pubs. Pubs offered comfort, sociability ... [and] gambling to labour exchanges' (August, 2014, n.p.). This made 'participation in pub culture natural for working-class men' (August, 2014, n.p.). As well as the fact that, 'the pubs and music halls' were places for

prostitutes to '[ply] their trade' (Walkowitz, 1982, p. 13). While men were afforded these leisure pursuits women were bound to other tasks.

For women both the lower and middle-class identities centred on marriage and domesticity. For working class women, the most common job 'an overwhelmingly female one, was domestic service. In 1851 about one in ten British women worked as a domestic servant' (August, 2014, n.p.). However, 'women earned lower wages than did men, and were considered unskilled. Even in the unusual cases in which men and women held similar jobs, women earned less' (August, 2014, n.p.). For the middle-class, 'respectable women could not do any paid work' (Mitchell, 2009, p. 265). This meant that middle-class women not wishing to resign themselves completely to their marriage had to find alternatives in charity and reform work. Morgan states that middle class 'women made a substantial contribution to associations and projects [that were] key to the construction of middle-class identity' (Morgan, 2007, p. 5). However, it cannot be denied that women's most important role in nineteenth century England was in marriage, as a wife and mother.

Marriage was the overwhelmingly predominant defining feature of Victorian women's lives. It was seen as 'a woman's natural and expected role: it satisfied her instinctual needs, preserved the species, provided appropriate duties, and protected her from the shocks and dangers of the rude, competitive world' (Mitchell, 2009, p. 267). For both classes, as a wife a woman would be expected to have 'preserved the higher moral values, guarded her husband's conscience, guided her children's training, and helped regenerate society through her daily display of Christianity' (Mitchell, 2009, p. 266). For the lower class, 'a poor woman would be welcomed into her husband's family to look after him and preserve his wage earning capacity with healthy cooking and clean, mended clothes' (Picard, 2006, p. 320). Picard (2006) states that a middle-class wife's role was maintaining the household and dealing with the children, making it comfortable for her husband when he returned from work. All the

while she would be readily available for sexual intercourse whenever her husband was inclined (p. 321). Both the working class and middle class maintained the role of wife and mother for women, the only exception being that working class women were expected to run the household and work. In 1871 Dr. William Acton's book *The Functions and Disorders of the Reproductive Organs in Childhood, Youth, Adult Age, and Advanced Life* attempted to outline the stages of development in male and female lives; he infers that image is an essential element to female identity. Acton stated, 'nothing in a wife is so likely to ensure domestic happiness as good looks, especially if they are of a lasting kind' (Acton, 1871, p. 129). He then added, 'literary women are not likely to be much sought after for wives [as their] great accomplishments so seldom survive the first year of married life' (Acton, 1871, p. 127). Which Acton explained was because 'men of the world are too sensible to allow them to outweigh the sterling qualities of a pleasant manner, a sweet temper, and a cheerful disposition' (Acton, 1871, p. 127). These statements imply that for a woman looking and acting a certain way will allow for the crucial step of becoming a wife.

The link between female identity and marriage, arguably, was due to the separate spheres that operated in Victorian society. It was believed that 'men and women inhabited separate spheres: women the private world of home and family; men the public world of the market place, citizenship and civil society' (Gordon & Nair, 2003, p. 1). However, while women were restricted to their private sphere, 'men were free to move between [both of them]' (Morgan, 2007, p.1). Of course, as mentioned, some women did work, but 'even in the industries employing both men and women, jobs were generally segregated by sex' (August, 2014, n.p.). Women usually held domestic jobs that involved working in homes. It was also claimed, during this period that 'women's work in factories, workshops and mines was seen as the root of a host of social ills, including drunkenness, [and] prostitution' (Morgan, 2007, p. 43). Because these women were in the public sphere, where they did not belong, the blame

was placed on them. This separation of men and women was based in the belief that women had to be kept safe, ‘their perfect compliance, obedience, innocence, and refinement would make them too easy to victimize in the competitive public world ... in the privacy of the home, her ... sensitivity, self-sacrifice, innate purity—could have free play’ (Mitchell, 2009, p. 267). The Victorian attitude of women’s domestic value and ability permeated social, economic, and political life. The image of women as victims reveals the sexual double standard, which allows for male control of marriage and maintains their ability to control and access sex.

## **Chapter Four**

### **Grim Realities and Dark Desires: Prostitution in Nineteenth Century England**

The women most affected by the sexual double standard are the prostitutes whose very existence is enabled by it. Prostitutes could be seen as one of ‘the ultimate subaltern subjects’, as a social group excluded from the hegemonic power structure who have become ‘outcasts from not only the dominant culture but often those subcultures labelled “subordinate”’ such as ‘women, working classes, [and] social minorities’ (Gilfoyle, 1999, p. 137-138). Thus, prostitutes’ experiences and lives are greatly affected by the sexual double standard and exploitation. In England, especially London, prostitution has a long and complicated history. Arnold writes that ‘London is driven by desire, requited and unrequited’ and that ‘commerce, industry, art and sport have all run on sex’ (Arnold, 2010, p. 2). Arnold (2010) observes the lineage of this vice from Roman slave girls forced to work in low-grade military brothels called *lupanaria*, as well as infamous mistresses like Anne Boleyn, persecuted homosexuals such as Oscar Wilde, and the Victorian fallen women walking the

streets (p. 2). It is these “fallen” women that came to represent vice, desire, sex and even repression in the Victorian period. England’s strict nineteenth century class and cultural divides also applied to prostitutes: from courtesans, to kept women, lodgers and streetwalkers, the demand for illicit sex permeated every class. However, the disparity between the prostitutes not only showed in their lifestyles and income, but in their persecution by the law. Bracebridge Hemyng (1841-1901) a barrister and social researcher in Victorian England stated that ‘the metropolitan police do not concern themselves with the higher classes of prostitutes; indeed, it would be impossible, and impertinent as well, were they to make the attempt’ (Hemyng, 1861/2005, p. 10). Thus, this thesis will not examine the lives of famous courtesans or kept mistresses, untouchable by the law; it will focus on the lower class of women, the streetwalkers and board lodgers for whom disease, abuse, and poverty was a stark reality.

Prior to this examination of mid-nineteenth century prostitutes, a radical feminist definition of prostitution is required. According to radical feminists, prostitution was and is the ‘absolute embodiment of patriarchal male privilege’ (Scoular, 2004, p. 344). Prostitution is defined as ‘the use of a woman’s body for sex by a man, he pays money, he does what he wants’ (Dworkin, 1997, p. 140). Dworkin emphasises that, ‘prostitution is not an idea. It is the mouth, the vagina, the rectum, penetrated usually by a penis, sometimes hands, sometimes objects, by one man and then another and then another’ (Dworkin, 1997, p. 140). They believe that prostitution is ‘both an indication of an unjust social order and an institution that economically exploits women’ (Barry, 1979, p. 9). MacKinnon (2005) agrees and states that prostitution, the purchasing and selling of women for sex, is degrading and brutal treatment without limit (p. 151). She argues that ‘prostitution has [generally] been invisible because prostitution is considered sex and sex is considered what women are for’ (MacKinnon, 2005, p. 158). For that reason, radical feminists believe that male-dominated

societies create a sexual double standard that forces a group of women to be subjected to prostitution (sexual intercourse with men who pay them). Their argument is that ‘equality for women depends directly on their ability to eliminate male sexual oppression [maintaining] the importance of choice in the fight for equality, [but] they contend that until women are equal members of society, free choice is essentially illusory’ (Jolin, 1994, p. 76). Therefore, ‘to attain equality, and with it, genuine freedom to choose, choices that involve male sexual dominance undermine the pursuit of equality and must therefore be restricted’ (Jolin, 1994, p. 76). Consequently, radical feminists argue that prostitution is the ultimate form of male sexual subjugation of women. They state that, ‘if it is required that a whole class of people be treated with cruelty and indignity and humiliation... [and] put into a condition of servitude, so that men can have [sex]...That is the essence and the meaning of male dominance’ (Dworkin, 1997, p. 142). This was exemplified in mid-nineteenth century England: Victorian society required prostitutes to provide the outlet for male sexual freedom necessary to maintain its strict gender rules and roles. It is these prostituted women who will now be examined.

### **Brothel Dwellers and Streetwalkers: The Victorian Female Prostitute**

To the Victorians, a prostitute represented the depths to which a woman could fall in society if or when she became unchaste. Prostitutes were considered ‘literally [any] woman who [yielded] to her passions and [lost] her virtue’ (Hemyng, 1861/2005, p. 10). However, it was generally ‘the fact of “hiring”, whether openly or secretly’ that constituted prostitution (Acton, 1857, p. 8). The Victorians viewed prostitutes through the prism of class. Hemyng, who worked with Henry Mayhew (1812-1887) social researcher and author of *London Labour and London Poor* (1861), divided the women into categories: ‘first, those women who are kept by men of independent means; secondly, those women who live in apartments, and maintain themselves by the produce of their vagrant amours; and thirdly, those who

dwell in brothels' (Hemyng, 1861/2005, p. 7). Dr William Acton (1813-1875), a British gynaecologist, wrote that there were women even lower, 'the "well-dressed, walking the streets" ... the prostitute errant, or absolute street-walker, who plies in the open thoroughfare ... [and lastly the] ... "low prostitute, infesting low neighbourhoods"' (Acton, 1857, p. 17). These women came to be collectively referred to as "the Great Social Evil".

The Victorian women who 'resign their persons to prostitution' had done so for various reasons (Acton, 1857, p. 17). Morgan writes that 'the perceived increase in prostitution in the mid-nineteenth century was often interpreted as a direct result of the spread of factory employment which removed girls at an early age from the benign influences of home and family' (Morgan, 2007, p. 103). Walkowitz adds that prostitutes' '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' (Walkowitz, 1982, p. 15). Thus it can be deduced that the number of prostituted women increased due to the intensification of the Industrial Revolution and the rural-to-urban migration. While an accurate estimate of prostitute numbers in Victorian England is impossible to attain, Sigsworth & Wyke (2013) collated the differing figures, stating that in 1797 police magistrate Colquhoun estimated there were fifty thousand London prostitutes; in the late 1830s and 1840s Talbot, Ryan, and the Bishop of Oxford estimated eighty thousand (p. 78). Regardless of the precision of these figures, the number of female prostitutes in the nineteenth century was clearly large.

Investigation into these women can now take place. The young girls and seasoned women of prostitution generally had humble backgrounds. Walkowitz writes that 'the fathers of over 90 percent of the sample [of prostitutes interviewed in a late-Victorian study in Millbank Prison] were unskilled and semiskilled workingmen' (Walkowitz, 1982, p. 15). She also states that 'over 50 percent of these women had been servants, largely general servants; the rest had worked in equally dead-end jobs, such as laundering, charring, and street selling' (Walkowitz,

1982, p. 15-16). Walkowitz estimates that ‘sixteen seems to have been the most common age’ for a woman entering prostitution (Walkowitz, 1982, p. 17). However, ‘police hardly ever arrested a girl under sixteen for prostitution’ and rarely reported their existence, making their age difficult to determine (Walkowitz, 1982, p. 17). Another issue in assessing their age is, as Superintendent Mary Webb of the Chatham Lock Hospital stated, ‘I have known a girl to persist for three months that she was 17 years old, and then her mother has told me that she was only 15, or even less’ (House of Commons, 1882, p. 413). For lower-class Victorian women prostitution was one of the better paid forms of employment, Walkowitz noting that ‘placed in a vulnerable economic and social position, some women may have found the shorter hours and better pay of prostitution a temporary solution to their immediate difficulties’ (Walkowitz, 1982, p. 14). This is supported by this statement from a prostitute:

I can’t get a rag to wear without flying to prostitution for it. My wages will barely find me in food. Indeed, I eat more than I earn, and I am obliged to make up my money in other ways. I know a great many women who are situated in the same way as I am. (Acton, 1857, p. 24)

The woman Acton (British gynaecologist) interviewed thus indicated she had no other options to survive other than to sell her body. Hemyng (1861/2005) recognised at the time that the low wages of the female industrial classes for wearisome and arduous labour was a factor in the fall of a virtuous woman (p. 5-6). Dworkin argues that this is because in a patriarchal society ‘the only thing of value a woman has is her ... sexuality, which along with her body, has been turned into a sellable commodity ... an assumption can then be made: if she is poor and needs money, she will be selling sex’ (Dworkin, 1997, p. 142- 143). However, prostitution was not always a choice made due to poverty, but physically coercing a woman into it. Hemyng relays a story from a girl that provides an insight into the life of a prostitute who was physically forced into prostitution:

The girl with whom we were brought into conversation was not more than twenty-three; she told us her age was twenty... Her life was a life of perfect slavery, she was seldom if ever allowed to go out, and then not without being watched. Why was this? Because she would “cut it” if she got a chance, they knew that very well, and took very good care she shouldn’t have much opportunity...She was ‘ticed when she was young, that is, she was decoyed by the mistress of the house some years ago...She was conquered and her spirit broken, she was transported from the first house to a more aristocratic neighbourhood. How did they tame her? Oh! They made her drunk and sign some papers, which she knew gave them great power over her, although she didn’t exactly know in what the said power constituted, or how it might be exercised. Then they clothed her and fed her well, and gradually inured her into that sort of life. (Hemyng, 1861/2005, p. 19)

The traffic and enslavement of women for sex clearly occurred in London. Unfortunately almost all of the stories and actual accounts from prostitutes were transcribed by men, with their own agendas and prejudices; as true with any primary historical source, this context must be taken into account.

In some cases prostitution provided some autonomy for the women involved, especially the upper class or better-educated women: ‘they could act in their own defence, both individually and collectively. They negotiated their own prices, and they were as likely to exploit their clients as to suffer humiliation at male hands’ (Walkowitz, 1982, p. 31). However, ‘they were still operating within the narrow constraints imposed on them by a class-stratified and patriarchal society’ (Walkowitz, 1982, p. 31). Jolin argues that ‘voluntary entrance of women into prostitution seems highly unlikely, given a social order that linked female worth and economic survival to marriage, and marriageability to chastity’ (Jolin, 1994, p. 70). This is exemplified by the fact that for the most part prostitution did ‘not free women from a life of poverty and insecurity, and further subjected them to physical danger, alcoholism, venereal disease, and police harassment’ (Walkowitz, 1982, p. 31). The sexual double standard helped create the idea of the private and public sphere which limited women in the jobs they could hold and money they could earn. At the same time these often poor women had few other

options but to facilitate male promiscuity through paid sexual encounters. Women continued to enter the “profession” due to these limited opportunities provided and the male desire for promiscuous sexual relations, facilitated by the sexual double standard.

### **Victim or Vixen: The Victorian Perspective on Prostitution**

The examination of prostitution also requires the analysis of the society in which it was situated. The Victorian’s view of prostitution as a sin was parallel to the idea that it was a necessary evil. The “Great Social Evil” instilled fear in the nineteenth century middle-class, worrying that ‘prostitution would pollute respectable society, wrecking marriages, breaking-up the family home and destroying the very fabric of the nation’ (Gray, 2010, p. 149). Social attitudes were based on condemnation or salvation. The condemnation argument revolved around the belief that ‘disease [was] a punishment for sin ... [and] ... syphilis [was] the penalty paid by society for indulgence in fornication’ (Acton, 1857, p. 9). These ideas, usually based in religious beliefs, had previously been dominant but had begun to shift by the nineteenth century. It was ‘out of the desire to understand prostitution in social and scientific terms, [that] a much more perniciously deterministic view [evolved which] ... proclaimed the innocence of women trapped by forces beyond their control’ (Dabhoiwala, 2013, p. 271).

This can be seen in the statement by Patrick Colquhoun in *A Treatise on the Police of the Metropolis* (1800):

Many of them [prostitutes] perhaps originally seduced from a state of innocence, while they were the joy and comfort of their unhappy parents. Many of them born and educated to expect a better fate, until deceived by falsehood and villainy, they see their error when it is too late to recede. In this situation, abandoned by their relations and friends; deserted by their seducers, and at large upon the world...what are they to do? In the present unhappy state of things they seem to have no alternative, but to become miserable instruments of promoting and practising that species of seduction and immorality, of which they themselves were the victims. (Fisher, 1997, p. xvi)

It was a widely held belief during the nineteenth century that prostituted women were victims who required reclamation; this is an attitude exemplified within reform groups. Reform societies had formed since the 1700s but gained prominence in the 1800s. Often male-dominated, they formed for religious, charitable, or political reasons. An example was “The Society of the Suppression of Vice”, which was created in 1802 based in the belief that ‘immorality had spread more or less all over Europe, owing to the demoralizing effects of the French Revolution’ (Hemyng, 2005, p. 2). There was also “The London Society for the Protection of Young Females, and Prevention of Juvenile Prostitution”, which formed in 1835 to fight the ‘dreadfully immoral state of the British metropolis... [and to fix the]...awfully depraved condition of a certain class of the youth’ (Hemyng, 2005, p. 2). These bigger groups and societies worked in association with smaller reform homes like the Greenwich Refuge for Women run by Mr. James Baxendale. Baxendale, who provided testimony to the Select Committee on the CD Acts, ran his home in order to provide better and respectable lives for “fallen” women. In his interview from the House of Commons Report (1882) Baxendale stated that they trained the women and provide them with domestic service roles (p. 348). However, the holy grail of reclamation certainly seemed to be marriage: which will be further explored in chapter six. The salvation argument was based in the idea that “fallen” women could be saved and raised back up to civilised society.

Despite the focus on reform, the idea that prostitution was a necessary evil also permeated society in nineteenth century England. Dr. Acton stated that: ‘I am one of those who looks upon prostitution as an inevitable attendant upon civilized, and especially closely packed, population’ (Acton, 1857, p. 15). W.R. Greg (1850) supported this with the comment that prostitution has “invariably been found wherever the population has been congregated in large masses” (Walkowitz, 1982, p. 42). Societal acceptance of prostitution was the reason

‘prostitution was not against the law, but prostitutes were often charged with misdemeanours such as annoying passersby or public drunkenness’ (Mitchell, 2009, p. 98). The government did not wish to outlaw prostitutes, but to control them. Barry writes that these ‘systems yield to the insistence that prostitution is a necessary social service; [and] at the same time they hate and condemn the women who provide it’ (Barry, 1979, p. 134). This was justified by the sexual double standard: only attempting to control the women involved and not the men.

### **The Illicit Solution: Prostitution and the Sexual Double Standard**

To reiterate, the sexual double standard is the idea that male promiscuity and female chastity are encouraged in a patriarchal society. However,

If society was to allow men comparative sexual freedom and at the same time keep single women virgin and married women chaste then a solution had to be found which would gratify the former without sacrificing the latter [and] the answer lay in prostitution...a class of fallen women was needed to keep the rest of the world pure. (Thomas, 1959, p. 197)

This meant that, ‘prostitution owes its existence to a sexual double standard, the implementation of which is predicated on the economic and social dominance of men over women’ (Jolin, 1994, p. 70). Dworkin writes that ‘what prostitution does in a society of male dominance is that it establishes a social bottom beneath which there is no bottom. It is the bottom. Prostituted women are all on the bottom’ (Dworkin, 1997, p. 148). This “bottom” not only disempowers women, by reducing them to their perceived sexual and biological purpose, a receptacle for sex, but further disempowers prostitutes who come to represent everything dirty and illicit about sex. MacKinnon argues that ‘liberty for men...includes liberal access to women, including prostituted ones. So while, for men, liberty entails that women be prostituted, for women, prostitution entails loss of all that liberty means’ (MacKinnon, 2005, p. 152). Although all women are the victims of the sexual double

standard, prostituted women face further degradation as their place in society provides no alternative but sexual exploitation by male-dominated Victorian society.

## **Chapter Five**

### **Incubators of Disease: Targeting Women in the Contagious Diseases Acts**

The attitudes of society, and the prostitutes within it, are crucial factors in examining how the sexual double standard operated in mid-nineteenth century England. To further the understanding of the sexual double standard and the disempowerment of female prostitutes, an examination of British laws and regulations on prostitution is required, with specific reference to *The Contagious Diseases Acts* (CD Acts) of 1864, 1866 and 1869. The selling of sex for money was not illegal in Victorian England. As it stands it is not illegal in modern Britain either, however soliciting, brothel-keeping, kerb-crawling and pimping are. Over the years British legislation has targeted these components of prostitution while avoiding the actual deed itself. The legislation prior to the CD Acts demonstrates how the British government targeted those issues. Nineteenth century laws began broadly with the introduction of a comprehensive ‘law designed specifically for the Metropolitan area ... [and] getting rid of all manner of street nuisances ... [it was the] Act of 1817, called Michael Angelo Taylor’s Act, [which] aimed at making streets cleaner, quieter and safer’ (Winter, 2013, p. 42). It was followed by the prominent *1824 Vagrancy Act* which ‘punished any common prostitute wandering the public streets or highways or in any place of public resort who behaved in a riotous or indecent manner ... with one month imprisonment or on subsequent convictions imprisonment for a longer period’ (Bartley, 2000, p. 202). The Vagrancy Act allowed police greater power and more pretext to arrest female prostitutes. This Act was followed by the ‘*1839 Metropolitan Police Act* [which] fined any common

prostitute or night-walker loitering or being in any thoroughfare or public place for the purposes of prostitution or solicitation to the annoyance of the inhabitants or passersby' (Bartley, 2000, p. 202). After this the '1847 Town Police Act fined any common prostitute or night-walker loitering and importuning passers-by for the purpose of prostitution' (Bartley, 2000, p. 202). Leading into the 1860s the 'public houses letting out rooms to prostitutes also experienced a significant decline ... owing to the enforcement of the new licensing laws [which were] ... employed to crack down on casinos, pleasure gardens, and music halls ... requiring prostitutes to solicit customers on the streets' (Walkowitz, 1982, p. 24). Mr. Frederick Wreford, Chief Constable of the Borough Police Plymouth, stated that the 'public-houses were not closed till one o'clock; they were turned out of the beerhouses [sic] at 11 o'clock ... [and] wandered about the streets until one or half-past ... but now they are all clear by half-past 11 or a quarter to 12' (House of Commons, 1882, p. 7). It was the 1872 *Licensing Act* that allowed for this clearing of the streets. All of these Acts contain within their conception and operation the sexual double standard, with the overt targeting of female prostitutes and clearing of places they solicit. Despite these laws prostitution flourished and consequently venereal disease did also. The government then turned its attention to this venereal disease problem, which allowed for the next major pieces of legislation to target female prostitutes: the CD Acts.

The CD Acts were motivated by the growing fear surrounding venereal disease, its effects upon society and particularly the army and navy; an understanding of these venereal diseases is required. Dr. William Acton describes venereal diseases as 'affections more or less directly the consequence of sexual intercourse' (Acton, 1857, p. 33). Acton divided the disease into two main categories "specific" and "non-specific." Under the former [he includes] syphilis ... [and] the latter come gonorrhoea and its train of evils' (Acton, 1857, p. 33). Dr. William Morgan, a member of the Royal College of Surgeons, in 1877 wrote:

There exists nothing more disgusting, revolting, and insidious in the whole world than these [venereal] diseases. Fostered as they undoubtedly are, in the fatal bosom of a degrading passion, and conceived at a moment of burning and illicit lust, they scatter ... their poisonous seed, whose offspring, which at its first appearance is but slightly regarded, and extirpated from the sphere of observation as speedily as possible by the criminal hand of indiscreet or ignorant practitioners; nevertheless continues silently to unfold its manifold germs in the organism, until they break forth anew in a variety of different forms, and thus announce to every eye the presence of the still raging malady. (Morgan, 1877, p. 169-170)

Morgan's statement, drenched in distain for prostitution, reveals a primary medical opinion on venereal disease. It introduces and propagates the idea that prostitution and female prostitutes are the incubators of disease. Due to this fear of venereal disease, the government lobbyists found 'their most productive line of advancement was to play on fears in government and military circles about the impact of venereal disease on the fighting efficiency of the army and navy' (Fisher, 1997, p. x). The 'lobbyists looked on venereal disease in much the same lights as cholera ... [considering] prostitutes to be little more than carriers of disease that could be controlled in the same way as the contaminated water supplies which carried cholera' (Fisher, 1997, p. x). This opinion was supported by an article in the *Lancet* on 19<sup>th</sup> March 1864 that quoted Sir John Liddell, Director General of the Medical Department of the Navy as saying: 'if the butcher's shop may be occasionally visited and inspected for diseased meat, why should the brothel be exempted?' (Fisher, 1997, p. 81). After the Crimean war (1854-56), 'during which the incidence of venereal disease among soldiers was found to be scandalously high ... [the idea that] prostitutes were the cause of disease [was at its peak]' (Carpenter, 2010, p. 84-85). Walkowitz (1982) writes that in 1857 a report by the Royal Commission of the Health of the Army proved that there was a high level of venereal disease among the troops (p. 74). In 1862 the Venereal Disease Committee, headed by Florence Nightingale, attempted to dissuade the government from 'compulsory examination of prostitutes on sanitary and moral grounds' (Walkowitz, 1982, p. 75). However, despite the committee and spurred on by the report, politicians were not convinced

‘that a standing army could be a moral institution’ (Walkowitz, 1982, p. 76). In July 1864, parliament passed the first Contagious Diseases Act, *The Contagious Diseases Act 1864, 27 and 28 Victoria, c. 85, Cap LXXXV An Act for the Prevention of Contagious Diseases at Certain Naval and Military Stations 29<sup>th</sup> July 1864* in Fisher (1997) which stated that a Superintendent, Inspector of Metropolitan Police or Constabulary, or a medical practitioner, had the authority to submit a form to a Justice of the Peace, who would issue the woman accused a notice to be served by a constable or peace officer (p. 85). From there:

Such order shall be a sufficient warrant for any constable or peace officer to whom the order is delivered, to apprehend such woman, and to convey her with all practicable speed to the hospital thereby named ... for the purpose of ascertaining whether she has a contagious disease, and in the case, on such examination, it is ascertained that she has a contagious disease, then to detain her in the hospital for twenty-four hours. (Fisher, 1997, p. 85-86)

In Fisher (1997) that Act stated that within twenty four hours the hospital would examine the woman, issue a certificate documenting her infection, place her on a register, and report to a Justice who could order for the woman to be detained in the hospital for treatment for up to three months (p. 86). The Act then described consequences for the women and associates of prostitution:

If any woman ordered ... to be taken to a certified hospital for medical examination refuses to submit to such examination, or if any woman ... refuses or wilfully neglects while in the hospital to conform to the regulations thereof, or quits the hospital without being discharged ... every such woman shall be guilty of an offence against this Act, and on summary conviction thereof ... shall be liable to imprisonment in the case of a first offence, for any subsequent offence for any term not exceeding two months ... If any person, being the owner or occupier of any house, room, or place within the limits of any place to which this Act applies, or being a manager or assistant in the management thereof, knowing or having reasonable cause to believe any common prostitute to have a contagious disease, induces or suffers such common prostitute to resort to or be in such house ... for the purpose of prostitution, every such person shall be guilty of an offence against this Act, and on summary conviction ... shall be liable to a penalty not exceeding ten pounds, or ... to be imprisoned for any

term not exceeding three months, with or without hard labour. (Fisher, 1997, p. 85-86)

Essentially, the CD Act of 1864 allowed for policemen to apprehend suspected prostitutes, force them to submit to a medical examination for venereal disease, place them on a register of known prostitutes to be examined in the future, and interned in a Lock Hospital (a hospital specialising in venereal disease) for up to three months, depending on the state of their health. Aiming their arguments towards the army had succeeded; a quote from the *Daily News*, 2<sup>nd</sup> July 1864 stated that: 'here is a Bill which promises to secure soldiers and sailors from the consequences of illicit pleasures' (Fisher, 1997, p. 84). The Acts initially applied to thirteen districts in Great Britain, which were selected due to the 'number of soldiers and sailors quartered in them, and the amount and virulence of venereal disease ... [they were] Aldershot, Plymouth, Devonport, Canterbury, Chatham, Gravesend, Sheerness, Colchester, Dover, Maidstone, Portsmouth, Shorncliffe, Southampton, Winchester, Windsor, and Woolwich' (House of Commons, 1882, p. vi.). The Acts also had jurisdiction outside of the towns, 'the limits of ... the hereafter referred to as "subjected districts", include ... localities geographically outside them' (House of Commons, 1882, p. vi.). As such 'Plymouth and Devonport include ... Dartmouth, [so] the Acts apply ... to common prostitutes residing within the limits of the subjected districts, but also to common prostitutes ... within 10 miles' (House of Commons, 1882, p. vi.). The 1864 Act, which would not be repealed until 1886, began a nationwide crackdown on venereal disease and in particular the forced imprisonment of female prostitutes.

The original Act of 1864 was amended significantly twice, the first time in 1866 when 'a second Act [was put in place] which made the system permanent ... [and] a third Act in 1869 which extended the system although still confining it to towns of military and naval use' (Fisher, 1997, p. 87). Interestingly, London and Westminster were still excluded from the

Acts. The major changes to the Acts in 1866 were that, ‘no woman shall be detained longer than three months, unless the medical officer ... [or] the inspector of certified hospitals ... [can] certify that further detention for treatment is requisite; she may then be further detained, but no detention ... shall be longer than six months’ (House of Commons, 1882, p. v.). It also added amendments for women:

Power is also given for a woman, who thinks herself unjustly detained, to go before a justice, who may discharge her on being satisfied that she is free from disease ... any woman who desires to be relieved from examination, and who is not detained in a hospital, may apply, in writing, to a justice, who shall hear the case ... if he is satisfied that she has ceased to be a common prostitute, or if, with his approval, she enters into a recognizance for her good behaviour during three months, he may order her to be released. (House of Commons, 1882, p. v.)

This was also the process required of women to get their names removed from the register. Considering that most prostitutes affected by the Acts were working class women with little to no education, this would be a difficult process for them. The women’s appeals were also determined by male subjective opinions on “good” behaviour. In 1869 the amendments as stated in the House of Commons Report (1882) were that if any woman subjected to an examination by a surgeon was in such a condition she could not be properly examined, but the surgeon believed her to be affected with a contagious disease, she could be detained for up to five days until her proper examination could be completed (p. vi). This allowed a male doctor to evaluate whether he believed a prostitute to be diseased without examination and gave him the decision to detain her with that estimation. The Act also importantly added, as stated in the House of Commons Report (1882), an extension to the period of detention to nine months, for if at the end of the six month period under the Act of 1866 the surgeons believed further detention was required they could extend it for another three months ( p. vi.). For the prostitutes with venereal disease this meant that they could be forcibly detained in prison-like conditions for a substantial time period. Baxendale, who ran a reform home, stated that ‘the registered women are in every sense prisoners’ (House of Commons, 1882, p.

354). Whereas Webb, Superintendent of the Chatham Lock Hospital stated, ‘there is a regulation that the girls should be bathed, and her own clothing taken care of, and the hospital dress provided ... [but] we do not consider the hospital clothes prison clothes’ (House of Commons, 1882, p. 410). However, Webb later quoted from a letter by Mrs Grant, the wife of the Archdeacon of Rochester, that ‘many such [prostitutes] I have seen on first entrance, bold and defiant, who, after a week or two, have become docile, willing to listen; and in some, conscience has seemed to re-awaken’ (House of Commons, 1882, p. 412) This statement has the bearing of prison-like and re-educational overtones. The CD Acts were a system that targeted and imprisoned prostituted women. No men were targeted by this Act; in fact in 1857, the ‘discontinuance of the periodic genital examination of soldiers [was recommended] ... on the grounds that it destroyed the men’s self respect and was medically inefficacious’ (Walkowitz, 1982, p. 74). The sexual double standard can be seen within the intention to inhibit venereal disease, which in actuality enforced control and shame upon the women involved.

### **In the Hands of Men: Maintaining and Enforcing the Acts**

Once in place the Acts required enforcers: the police and the Lock Hospitals. Andersson (2013) writes that it was not until the early nineteenth century that a centralised police force was established in Western Europe (p. 10). The new system ‘despite a distinctive hierarchy and stern control of the lower ranks ... [placed] a great deal of responsibility ... on the shoulders of the individual police constable who patrolled the streets’ (Andersson, 2013, p. 10). Ager (2014) writes that the CD Acts were ‘enforced by specially selected squads of plain clothes detectives from the Metropolitan, not local, police’ (Ager, 2014, p. 127). These Metropolitan police ‘aside from their responsibilities associated with controlling prostitution, they also helped the country constabularies to enforce licensing laws in establishments like

beer houses which were used as brothels' (Ager, 2014, p. 127). However, only a few men were allocated per subjected district, meaning that it was their 'subjective interpretation of an event ... [that the] practical application of the law depended on' (Andersson, 2013, p. 10). This placed an enormous amount of power over women in the hands of men. The frustration this would have caused women can be observed in this statement that an unnamed woman made to Josephine Butler:

It is *men*, only *men*, from the first to the last, that we have to do with! To please a man I did wrong at first, then I was flung about from man to man. Men police lay hand on us. By men we are examined, handled, doctored, and messed on with. In the hospital it is a man again who makes prayers and reads the bible for us. We are up before magistrates who are men, and we never get out of the hands of men. (Shanley, 1993, p. 83-84)

A male administration was also dominant within the Lock Hospitals, as all the surgeons were men; although there were some women, (they could be appointed superintendent like Mary Webb) and female nurses were also employed. Lock Hospitals found their origins in the eighteenth century when, as Siena (2004) writes, in January 1747 Surgeon William Bromfeild organised, through charity work, a hospital catering specifically for venereal disease to be erected in London (p. 181). However, the number of Lock Hospitals rose during the nineteenth century with construction 'in Newcastle (1813), Manchester (1819), Liverpool (1834), Leeds (1842), Bristol (1870) and Brighton (1881), while many workhouses opened venereal wards' (Lane, 2001, p. 153). Aldershot and Chatham also contained prominent Lock Hospitals. The hospitals ran on the basis that the women were court ordered to stay. Baxendale stated that 'if the doctor finds that they [a prostitute] are really diseased, he at once sends them off to the hospital, and there is no refusal' (House of Commons, 1882, p. 359). His sentiment in this statement seems to be positive; however the Acts removed any control these women had over their lives and sexual health. Once again men were making the decisions for them, seeing them as victims.

The doctors held most of the power under the CD Acts; they determined how diseased a woman was and how long she would remain in detention. Francis W. Morgan, Emeritus Professor of University College London, recounted a story of this male abuse of power:

A poor fallen woman told her story frankly ... that the base man who first seduced and abandoned her, communicated to her a vile disease; that she went into hospital for it, and was there tended by a young surgeon, who took so many liberties with her under plea of medical necessity, that he gained an overpowering familiarity, and corrupted her a second time. After this she was unable to recover herself, and fell into the rank and file of that most pitiable female army. (Newman, 1869, p. 29)

Men were controlling women's sexuality through the disease that accompanies sex. Thus, the sexual double standard can be seen to be operating within the CD Acts; women were not deemed responsible concerning their own sexual health because of their status as victims, and engaging in a promiscuous sex life was not part of their social role. The insistence and prevalence of a male presence in these personal and powerful operations further reveals the sexual double standard, as men regulated women's sexuality.

The sexual double standard in the CD Acts is inherent in their conception and operation. For legislation to target only one half of the people involved in the process of prostitution was a blatant abuse of male dominance. The targeting of women only as the source of venereal disease is based entirely in the sexual double standard. MacKinnon writes that:

Defining prostitution as something only women do was found to be simple realism, a reflection of social reality. Women really do this; mostly only women do this; it seems to have something to do with being a woman to do this; therefore, it is not sex discrimination to have a law that punishes only women for doing this. (MacKinnon, 2005, p. 153)

The idea that prostitution was a female pursuit was confirmed in the *1885 Criminal Law Amendment Act*, which contains in 'section 11 (the Labouchere amendment) [which] provided for the criminalisation of homosexual acts between consenting men in private'

(Self, 2005, p. 42). This meant that even if these men were prostitutes (meaning they were paid for sexual activity) they were not recognised as prostitutes because that was a label afforded only to women. Thus, the CD Acts targeting of female prostitutes was based in a belief that ‘women are more likely to communicate venereal diseases than men are...women are seen as walking disease vectors from which men’s health must be protected...the recipient of the sperm in sex is the one more likely to become infected’ (MacKinnon, 2005, p. 154). It is the prostitute, ‘she is regarded as “the potential source” of venereal disease and the [male] customer is not’ (MacKinnon, 2005, p. 439). The “fallen” women are easy to blame as they do not conform to the idealised image of a “good” woman. This statement is proved true in the examination and targeting of female prostitutes; mid-nineteenth century English society upheld this belief sufficiently for it to be approved by their government and maintained for twenty two years. Radical feminists agree, regarding the criminalisation of prostitution, that it contributes to patriarchal dominance and victimises the women involved. MacKinnon, who is a lawyer, is the most prolific on this subject. She states that ‘to be a prostitute is to be a legal nonperson in the ways that matter ... [because] women in prostitution have no police protection because they are criminals, making pimps’ protection racket both possible and necessary’ (MacKinnon, 2005, p. 153 & 157). Thus,

Criminal prostitution laws collaborate elaborately in women’s social inequality; through them, the state enforces the exploitation of prostituted women directly ... when legal victimization is piled on top of social victimization, women are dug deeper and deeper into civil inferiority, their subordination and isolation legally ratified and legitimated. (MacKinnon, 2005, p. 155)

Therefore the CD Acts represented mid-nineteenth century England’s perception of women: women were sexual objects, either for procreation or pleasure. The women that are for pleasure are dirty and lesser because they are not virtuous like wives, therefore they are the propagators and incubators of disease, and thus the sexual double standard is revealed as the

prostitutes become the target for legislation, and emotional and physical humiliation.

## **Chapter Six**

### **The Sin of Fornication: The House of Commons Report on the CD Acts**

The passing of the Contagious Diseases Acts (CD Acts) divided England into those who opposed the Acts and those who believed they were beneficial. In 1882 a committee was formed within the House of Commons to investigate the growing public discontent with the moral and constitutional issues surrounding the Acts. The *Report from the Select Committee on Contagious Diseases Acts; Together with the Proceedings of the Committee, Minutes of Evidence and Appendix*, aimed to ascertain whether the Acts should be amended, extended, or repealed. In an effort to do this the committee interviewed seventy one people of differing occupations and stations. The moral and hygienic concerns were the most important issues the committee referenced.

At the beginning of their analysis of the issue of morality within the Acts, the committee stated that, ‘the good moral effects which these calumniated Acts have introduced ... in our opinion, far outweigh any moral objections which have been, or can be, alleged against them’ (House of Commons, 1882, p. viii). Their argument that the Acts were moral was based on the fact that large numbers of women had received ‘religious and moral influence ... a great portion of whom ... from infancy [were] familiar only with scenes of debauchery and vice ... [while] a considerable number of abandoned women have been reclaimed and restored to respectable life, and in many instances married’ (House of Commons, 1882, p. viii). Within this statement the idea that for women respectability and morality was linked with marriage reveals the sexual double standard; women outside of their domestic sphere were polluting

the morality of society. The committee then went on to state that ‘the temptations by which young men of all classes have been hitherto assailed, have been, to a great extent, taken out of their way, and morality has thus been promoted’ (House of Commons, 1882, p. viii). Once again the importance of male health and privilege is prioritised with the stigmatising and targeting of prostitutes. It is ‘the prostituted woman [who] is seen as the generative source of everything that is bad and wrong and rotten with sex, with the man, with women ... she is seen as someone who is deserving of punishment, not just because of what she “does”... but because of what she is’ (Dworkin, 1997, p. 144). This is no more obvious than when the committee addresses the hygienic effects of the Acts.

The hygienic effects of the CD Acts were, in the eyes of the committee, deemed positive. They stated that society is better served ‘by the presence of a reduced number of prostitutes, liable to increased risks of the recurrence of disease in a mild form ... than by the presence of a large number of prostitutes in a chronic state of neglected disease’ (House of Commons, 1882, p. xvii). The committee believed the Acts to be achieving the goal of lessening venereal disease; but at the expense of female prostitutes. They stated that prostitutes are ‘compelled to submit to measures which are not in themselves indecent, and which virtuous women often undergo voluntarily ... the examination is not ... a dishonour, and the [mandatory enforcement] is the result of her own misconduct’ (House of Commons, 1882, p. xx). They continued with, the prostitute ‘makes her person a source of danger, not only to the men who consort with her, but to innocent persons ... she cannot justly complain if she is compelled to submit to examination and treatment which her own deliberate act has rendered necessary’ (House of Commons, 1882, p. xx). The sexual double standard is embodied in these statements; the prostituted women are blamed entirely for the ills of prostitution because they no longer represent what a “good” woman should be: virtuous, chaste, and domestic. Andrea Dworkin states that men create the situation in society where a group of women are set aside

to be used for sex by them: 'a whole class of people [are] ... put into a condition of servitude, so that men can have the sex that they think they have a right to' (Dworkin, 1997, p. 142).

The blame that prostituted women receive is explained in the statement within the 1882 House of Commons Report:

The Acts are directed not against women, but against prostitutes, i.e., against a class who, as stated in the Report of the Royal Commission (paragraph 60), "commit the sin of fornication as a matter of gain," ... in the deliberate exercise of their calling ... specially liable to contract and propagate disease ... Among the male part of the population no corresponding class exists, and it is difficult to see to what men such legislation could be applied. (House of Commons, 1882, p. xxi)

This exclusion from their gender seems to be a strategy for men and society to treat the prostitutes as non-women. Their "choices" result in their identity no longer aligning with that of respectable society, therefore they could not be considered "real" women. Dworkin states that there is 'a specific kind of dehumanization experienced by women who are prostituted. Yes, all women experience being objects, being treated like objects. But prostituted women are treated like a certain kind of object, which is to say, a target' (Dworkin, 1997, p. 146). Prostitutes, in mid-nineteenth century England, were targets for sex, desire, blame, disease, exploitation, and degradation. One of the reasons for the targeting of women in the CD Acts was based in the belief that men were not seen the way women were, as sexual objects. It was impossible for male-dominated society to imagine men being targeted in that way.

Ultimately, the committee stated that if the Acts were repealed, including:

The abolition of police surveillance and of State-aided Lock Hospitals, [it] would mean in districts where they have been in operation for 13 years and more [that]:

- (a.) Full license for venereal disease of all kinds, to disseminate itself unchecked either by police control or by hospital treatment.
- (b.) A serious diminution in the effective strength of our Army and Navy, which would be especially felt in the event of their services being suddenly called into requisition.

(c.) The relegation of numbers of these unhappy women to the state of hopeless misery, squalor, and disease, in which they lived before the system was introduced.  
(d.) The letting loose of increased crowds of abandoned and diseased women and girls of all ages upon streets and thoroughfares swarming with soldiers and sailors, with little or no practical check or control over their behaviour. (House of Commons, 1882, p. xxvii)

The report noted that ‘the last 12 or 14 years have produced such a change for the better in the moral and sanitary condition of the subjected districts...[and] for those reasons your Committee cannot recommend the repeal of the Acts’ (House of Commons, 1882, p. xxviii). Within the reasons for maintaining the Acts the sexual double standard is clearest in section C and D. Section C shows that prostituted women are deemed better off with forced personal examination and detention, with little to no control over their own lives and sexual health, believing that increased male control was beneficial for them. Section D reveals that these women were the representation of loose morals and disease, that to society they were the problem and not the men who solicited them. English society, in the mid-nineteenth century, maintained a system of prostitution and punished the women involved with the system.

### **From Surgeon to Women’s Activist: The Sexual Double Standard in the Interviews**

Interviews of seventy one people are included, surveying their experiences and opinions regarding the CD Acts. Four of these interviews will be examined for the sexual double standard embedded in their opinions and responses. Each of the four selected interviews engages a different discipline: Dr. Frederick W. Lowndes, Surgeon at the Liverpool Lock Hospital; Mr. James Baxendale, Manager of the Greenwich Refuge for Women; Miss. Mary Webb, lady Superintendant of the Chatham Lock Hospital; and lastly Mrs. Josephine Butler, a member of the Ladies National Association (LNA). The testimonies of these four people demonstrate the attitudes and beliefs of several differing groups, and reinforce how the sexual double standard permeated law and society in mid-nineteenth century England.

Dr. Frederick Lowndes was the surgeon at the Liverpool Lock hospital for seven years prior to his interview in 1882. His testimony will be examined for a medical perspective on the CD Acts and the reason why so few women willingly sought treatment for venereal disease.

Lowndes is asked the question: ‘do you draw any inference from the fact of the males being very much more numerous than the females [at the Lock hospital]?’ He replied, ‘it shows that the males are much more willing to come in; we have no difficulty in keeping the male wards constantly filled, and very severe cases will stay there a very long time’ (House of Commons, 1882, p. 510). He goes on to state, ‘but with regard to the female ward ... it had not been unusual to have a whole ward empty for many months together’ (House of Commons, 1882, p. 510). This higher frequency of male patients over female patients can be attributed to the sexual double standard: prostitutes would not go to hospitals to seek help with venereal disease because they would be a target for the Acts in subjected districts and a source of shame and attempted reclamation in the unsubjected districts. This reluctance on the part of women can be seen when Lowndes recounted his time in a brothel interviewing prostitutes:

My object was to ascertain if they knew of the Lock Hospital, and how to obtain admission. I found, as a rule, that they did know it perfectly well, and they also knew how to obtain admission. Those who had been under treatment there stated that they had no objection to the treatment in the hospital; that the superintendent and matron and nurses were most kind, but there was a general reluctance to admit that they were ever diseased. I asked, “What do you do when you have the bad disorder, and where do you go,” and upon that they denied that they had ever had the bad disorder. (House of Commons, 1882, p. 510)

The denial of diseased women and their unwillingness to seek help is another way in which the sexual double standard operated in mid-nineteenth century England. A society structured on the promiscuity of men and the virtue of women would obviously result in a female reluctance to affirm their sex lives, let alone a sexually transmitted disease. The fear of

examination and male abuse of power in the hospitals would also inhibit women seeking medical treatment. In the unsubjected districts (cities and towns not under the Act), if a woman sought help for venereal disease it would be a shameful experience for her. She would either be admitting she was a prostitute or that her husband solicited prostitutes. In the subjected districts (cities or towns under the Acts), a woman could be ordered to go to a Lock hospital, where she would be placed on a prostitution register and be subjected to regular call backs and examinations. Prostitution is already considered dirty: ‘to the extent people believe that sex is dirty, people believe that prostituted women are dirt’ (Dworkin, 1997, p. 144). Thus, it can be seen why these women, already considered to be dirt, would not wish to add diseased to the list of harmful labels applied to them. The Committee then goes on to ask Lowndes about his opinion on the CD Acts. Liverpool, the area in which Dr. Lowndes works, is not under the Acts; thus he stated: ‘the Contagious Diseases Acts would lessen syphilis ... were they extended. Syphilis can be detected at a very early stage, and is [best treated] at that time ... but the present partial application of the voluntary system ... [merely scratches] the surface of a great evil’ (House of Commons, 1882, p. 514-515). Lowndes gave his reason for this in his response to the question:

Referring again to this voluntary system of which you have had so large an experience, that your objections to it are, that the women do not come in soon enough, and do not remain long enough?—They do not come in until they are so very much diseased that they cannot possibly continue their calling: they are either suffering from a violent form of the disease, or they are suffering from sores situated so as to give them pain in intercourse ... though we are able to keep a large proportion of the women till they are cured, yet a proportion, and by no means a small proportion, will leave before they are cured. (House of Commons, 1882, p. 515)

With this Lowndes affirmed that he believed women, especially prostitutes, incapable of making their own decisions regarding their health. The CD Acts as a system limited the choices prostitutes had; when seeking medical attention they were forced to out themselves as

a prostitute, with all that entailed. The unwillingness of the female prostitutes to seek help arguably proves that they did not wish to expose themselves to that scrutiny. Detaining women against their will removes control from them and maintains male dominance. Lowndes' interview confirms the belief that prostitutes were viewed as below that of a "good" woman and reveals the sexual double standard operating within at least one section of the medical community.

The next interview is that of Mr. James Baxendale who ran the Greenwich Refuge for Women, which aimed to reclaim fallen women (prostitutes) and provide them with the abilities to enter domestic work or a respectable marriage; this section will focus on his opinions and actions surrounding it. Greenwich became a subjected district in the last amendment to the CD Acts in 1869, and Baxendale finds no fault in its application.

Baxendale stated that 'from January 1872, [they had] taken 114 [prostitutes] from the Aldershot Lock Hospital' (House of Commons, 1882, p. 348). The fate of these women Baxendale stated were as such:

Out of the 114 we have sent 17 to their friends; we have put into service 21; into institutions five; and 23 have married ... a number of the girls come from Aldershot with a promise from men that they will marry them if they will go and behave themselves for a given time; and I am thankful to say that we have not had above two failures of that sort, and that they have really married them; so that we have had 23 married. One emigrated; five died; we have had fifteen who have gone back to their evil life ... they have gone back to Aldershot. (House of Commons, 1882, p. 348-349)

Baxendale's comments reveal the ideals of mid-nineteenth century English society: the ultimate prize in reclamation was a respectable marriage. The enthusiasm with which Baxendale talked about the twenty three women who were married was clear in his statement; he made the point of highlighting it to the interviewers. Baxendale's comments are permeated with the societal demand that women be confined to their domestic roles, that anything

outside of that private sphere was not something a respectable woman desired or participated in. The other options besides marriage for Baxendale's girls are centred on domestic service or the home. The sexual double standard can be seen within Baxendale's interview as his desire to reclaim prostitutes is based in the belief that there is something inherently wrong with women engaging in pre-marital sex.

The desire to domesticate and re-educate "fallen" women is also clear in the next interview of Miss Mary Webb, Lady Superintendent of the Chatham Lock Hospital. Webb's interview reveals that women participated in their own subjugation, and Webb's opinions are examined for the importance placed on domestic education. The women incarcerated in Lock Hospitals were assigned duties in the attempt to influence and educate them for re-integration into respectable society. Webb stated that 'they [the women] do their part in needlework (and many who come in do not know how to sew at all), and in keeping the wards clean, and assisting in the laundry, and in the kitchen' (House of Commons, 1882, p. 412). They also 'make all the clothing of the hospital; the underclothing and the dresses too. It is cut out by the nurses, and made by the patients ... they do all the mending, and they keep the place clean, and do it very willingly' (House of Commons, 1882, p. 413). In her attempt to legitimate her actions at the hospital, Webb relayed a story from Mrs. Grant (The wife of the Archdeacon of Rochester), believing, it would seem, that a religious influence would offer weight. Webb stated that she, Mrs Grant, 'has told me several times that the girls have told her that the simple domestic arrangements, and the bringing them back to what is more like home life, has made them think' (House of Commons, 1882, p. 412). The education of these women, who have been targeted and demeaned by the CD Acts, in needlework and cleaning would perhaps seem to be a nicer alternative to prostitution or imprisonment. However, Webb makes no direct mention of educating the women in anything but domestic duties,

merely stating ‘some [of the women] cannot read or write’ (House of Commons, 1882, p. 413). The exclusion of any other education, and the suggestion that the only thing of merit to educate a woman were domestic duties, adheres to the sexual double standard and idea of separate spheres for women and men. Webb’s interview reveals male-dominance in Victorian society and how ingrained patriarchal gender roles engage women in their enforcement.

One of the most vocal and hard-working opponents of the CD Acts was Josephine Butler, founding member of the Ladies National Association (LNA) who fought for the repeal of the CD Acts. At the beginning of her interview the committee confirmed that she was the wife of Rev. George Butler. Despite the fact that she was a founder, a prominent public speaker and activist, she was still defined by the man who currently had control of her. Butler made her stance on the CD Acts clear from the outset, stating that she and the LNA opposed ‘upon moral and religious considerations, and also very strongly upon constitutional and legal considerations’ (House of Commons, 1882, p. 230). Butler’s main legal objection was that a ‘principle of all just constitutional law is that the accused person is held innocent until proved to be guilty’ (House of Commons, 1882, p. 233). She argued that ‘under the Contagious Diseases Acts, the woman is held to be guilty, unless she can prove her own innocence’ (House of Commons, 1882, p. 233). She then added that ‘all just constitutional law forbids an indecent assault upon the person, and punishes, with imprisonment, such assaults. The Contagious Diseases Acts decree [is] an indecent assault upon the person’ (House of Commons, 1882, p. 233). With the knowledge of how the Acts operate, it is clear she is correct. Butler’s other position was that ‘it appears to me a simple want of common sense to apply a law to one sex only’ (House of Commons, 1882, p. 237). The committee ask her, ‘do you also feel it to be objectionable that this exception to ordinary law should be created by men for the benefit of men? ... [she responded] in that aspect it cannot but seem to us selfish,

and I must say, cowardly' (House of Commons, 1882, p. 233). She maintained that society required 'a view to reclaiming men quite as much [as women]' (House of Commons, 1882, p. 236). To an extent Butler recognised the sexual double standard operating in her society; and to a room full of men unflinchingly stated the unjust nature of it.

Other than legal objection, the most important issue for Butler was moral opposition. She believed that registration of female prostitutes led to greater immorality. Butler stated that, 'a large experience of the Continent and of England together convinces me that that registration ... hardens the women ... [and] it deprives them of the sense of ... control over themselves' (House of Commons, 1882, p. 234). She continued, stating that English prostitutes say "I am not a woman; I am simply a tool; a vessel soiled, and cleansed at the Government expense for public use" (House of Commons, 1882, p. 235). Butler maintained that although 'a woman may be very degraded outside the Acts ... so long as she is a free agent she can at any moment return into the path of virtue ... if she feels a sentiment of disgust, at any moment withdraw from her profession' (House of Commons, 1882, p. 234). Her argument was that the CD Acts prevented a prostitute from doing this; they aided in furthering their immorality. The second moral objection held by Butler was that the Acts sanctioned vice in society. She stated that 'the poorer class of working women of the towns where these Acts are in force are demoralised ... their conscience becomes confused as to the distinction between right and wrong ... the same is the case with the male youth of those towns' (House of Commons, 1882, p. 235). She believed this to have happened because 'the State action, elevating this profession into a sort of recognised, legalised industry, removes the essential element of guilt from the act of prostitution itself, to the infringement of the police regulations under the Act' (House of Commons, 1882, p. 235-236). She supported this by recounting a comment from a woman from a subjected district, who said: "I am all right; the police do not touch me; I

have a clear conscience, because I go regularly up to the examination; I obey every rule” (House of Commons, 1882, p. 236). Butler’s issue in this statement was that the state has ‘taught a woman that the essential element of guilt is not her vicious life, but the infringement of police rules, while carrying on her vicious life ... [remarking] can anything be more awful than that?’ (House of Commons, 1882, p. 236). Throughout the interview Butler’s disdain towards the actual act of prostitution is apparent. Butler rejects the idea of targeting only women and the belief that prostitution is an inevitable attendant on society, but believes that both men and women are responsible for reclamation and ending the “great social evil”. While she was forward thinking she also could not escape the ingrained gender roles and sexual double standard, which is seen very clearly in the speech she gave during the interview:

This is the deepest insult that can be offered to womanhood, an act of tyranny and shame, degrading alike to those who impose it and those who endure it ... there is nothing in the physical being of a man answering to the sacredness of the maternal functions in a woman, and that these functions, and every organ connected with them, ought to be held in reverence by man. Where this reverence ceases to be felt, through the habitual outrage of any class of women, however degraded that class may already be, the demoralisation of society at large is sure to follow. I am not here to represent virtuous women alone; I plead for the rights of the most virtuous and the most vicious equally ... The moral character of a woman, though it be of the lowest, does not alter the sacrilegious character of an indecent assault upon her person; and no enactment or law in any land can ever make such an assault other than morally criminal. The part assigned to woman in the physiology of the race is higher, much more delicate, and more to be respected than that of man. The line of human descent is continued corporeally on the woman's side. The fact of the greater physical weakness of women results from their forces being diverted to the maternal functions, and this very weakness gives them a stronger title to the respect of their persons than men can have, who are able, by their superior physical strength, to protect themselves. This respect has always been accorded to women except at periods of history when society has become licentious and men have become unmanly. Every woman has a right, a Divine right, to protect the secrets of her own person; it is her inalienable right. The forcible inspection of a man bears no comparison in cruelty and indecency to the forcible examination of a woman. We care not how sinful, how criminal the poor victim may

be, so long as she bears the outward semblance, though in the most blighted form, of womanhood. (House of Commons, 1882, p. 237)

Much like Webb in her interview, Butler reinforces gender roles, attempting to reintroduce domestic home life to prostitutes. She mentioned the ‘sacredness of the maternal functions in a woman, and that these functions, and every organ connected with them, ought to be held in reverence by man ... [and that] the greater physical weakness of women results from their forces being diverted to the maternal functions’ (House of Commons, 1882, p. 237). With this statement she affirmed her belief that motherhood is the primary function for a woman. Her arguments are often conflicting when being examined for the sexual double standard because although she opposes the targeting of only women for something both men and women partake in, she still maintains distain for prostitution, considering it immoral.

The reason for the creation and enforcement of the CD Acts was the belief in the patriarchal society of nineteenth century England that prostitution was a necessary evil. That its existence was probably morally wrong and shameful, but it was something that men required. This attitude is reflected in several primary resources from this period. Acton stated, ‘I am one of those who looks upon prostitution as an inevitable attendant upon civilized, and especially closely packed, population’ (Acton, 1857, p. 15). The setting aside of a certain group of women for men to use sexually was deemed perfectly acceptable as it maintained the image of the perfect chaste wife and mother. MacKinnon asks the question, ‘if sexuality is practiced against women in the process of men’s pursuit of pleasure, isn’t that significant?’ (MacKinnon, 2005, p. 273). It is significant; it maintains a system that allows for sexual subjugation of women, prostitutes or not. Although the Acts were recommended to be maintained and amended in 1882, ‘in 1886 a repealing statute became law’ effectually ending the CD Acts (Ensor, 1936, p. 171). Robert Ensor wrote that the agitation against the Acts was important: ‘first because it saved England from a bad system of vice regulation ... secondly,

because it greatly advanced the idea of a single standard of virtue for men and women; and thirdly, because it powerfully stimulated the more general movement for women's rights' (Ensor, 1936, p. 171). Thus, Josephine Butler's efforts were rewarded; change was starting to become a reality for women. During this period 'the Married Women's Property Act of 1882 was extended by that of 1893, and between them placed a wife in regard to her property upon the same footing ... as if she were unmarried' (Ensor, 1936, p. 339). This meant that a woman would no longer have to forfeit her assets to her husband. In '1891 in the leading case, *Reg. v. Jackson*, the Court of Appeal ... ruled that a husband cannot legally detain in his house his wife' (Ensor, 1936, p. 339). Even these two rulings would have 'seriously upset the balance of the sexes in those levels at home' (Ensor, 1936, p. 339). Towards the end of the nineteenth century and the twentieth century the lives and rights of women began to shift quite considerably. For prostitutes, the increase in women's rights would undoubtedly have affected them in positive ways; however as prostitutes are considered to be, time and again, separate from other women, or as Gilfoyle states "subaltern", it can be argued that their access to these new rights would have been a slower process. Despite the changing atmosphere towards the end of the nineteenth century, the sexual double standard permeated Victorian England affecting gender roles, prostitution and legislation.

## **Conclusion**

The sexual double standard in mid-nineteenth century England operated to disempower women – particularly female prostitutes, who while fulfilling the needs of male promiscuity, became the targets of laws like the CD Acts. The CD Acts examined and imprisoned prostitutes against their will. The evolution of the sexual double standard, shifting to the

belief that men were the sexual aggressors and women were chaste victims, maintained the idea of separate spheres allowing men to control women and sex by limiting their social, economic and political power.

The sexual double standard within prostitution and the CD Acts is explored across the six chapters of this thesis. In chapter two, we see that the shift in the sexual double standard affected the nineteenth century dramatically. Prior to the 1800s, women were viewed as sexual deviants who needed to be controlled. This is seen during the 1500s and 1600s in the witch hunts. During the nineteenth century the role reversed, with chastity for women and sexual outlet for men becoming the prominent social ideology. The sexual double standard allowed men to control women and sex, which in turn allowed for the persecution of female prostitutes through the CD Acts.

Chapter three showed that the ideology of separate spheres throughout the nineteenth century governed women and men's lives. Women restricted to the private domestic sphere were assigned the roles of wife and mother, while men were free to move between this and the public sphere. Due to the belief influenced by the sexual double standard that women were victim-like, men enforced rules pertaining to marriage which maintained their access to sex.

In chapter four, an examination of how the sexual double standard by fulfilling male sexual promiscuity and keeping females chaste creates prostitution is undertaken. According to radical feminists, prostitution is the ultimate form of male sexual subjugation of women, as female prostitutes become further victimised. The limited options for women, often due to the separate spheres, maintained the number of female prostitutes. The Victorian ideal that prostitution was a necessary evil maintained male government control over sex, as they

targeted only women. Opposing this, the moral reformers believed that these fallen women could be morally reclaimed back into respectable society, often through marriage. The sexual double standard arguably creates prostitution and allows for economic, social, and political disempowerment of the female prostitutes.

In chapter five, an analysis of the Contagious Diseases Acts revealed the sexual double standard in how they allowed for the examination and internment of suspected diseased female prostitutes. The laws on prostitution prior to 1864 reveal how the government targeted women before the introduction of the CD Acts. The CD Acts maintained the sexual double standard as they perpetuated the idea that women were incapable of making decisions outside of the private sphere, that their sexual health and lives should be determined by men.

Lastly in chapter six, the 1882 House of Commons Report prioritises male health and privilege by stigmatising prostitutes as the incubators of venereal disease. It excludes prostitutes from their gender, de-humanising them for not behaving the way male-dominated society has deemed appropriate: chaste. The interviews in the report provide more examples of the sexual double standard. Dr. Lowndes surgeon of Liverpool Hospital stated that men were more likely to seek medical attention for venereal disease, while women were reluctant to admit they had it. James Baxendale, owner of the Greenwich Refuge for Women, implied with his statements that marriage was the best option for reclaiming a prostitute.

Superintendent Mary Webb of the Chatham Lock Hospital argued that the education of women in domestic duties while interned was one of the more important jobs. Josephine Butler, founder of the Ladies National Association (LNA) stated the unfair nature of the CD Acts against women, while also maintaining the Acts promoted immorality and sanctioned

vice. Each interview's main argument is influenced by the sexual double standard, revealing that it is a prominent ideology of mid-nineteenth century England.

This thesis uses the theoretical perspective of radical feminism and the methodological tools of historiography, textual analysis and case study. It has determined that the sexual double standard operating in mid-nineteenth century English patriarchal society disempowered women, in particular prostitutes. The sexual double standard enabled the creation of prostitution and the disempowerment of the female prostitutes through the Contagious Diseases Acts. Patriarchy is, as radical feminists argue, a system which oppresses women. It is this system of male-dominance that 'creates a pool of prostitutes by any means necessary so that men have what men need to stay on top' (Dworkin, 1997, p. 148). Prostitution therefore, '[comes] from male dominance, not from female nature. It is a political reality that exists because one group of people has and maintains power over another group of people' (Dworkin, 1997, p. 149). As prostitution's very existence depends on the sexual double standard, it could be argued that as long as there are men willing to exploit women for sex, there will always be a sexual double standard in society.

## Reference List

### Primary

#### **Books**

- Acton, W. (1857). *Prostitution considered in its moral, social and sanitary aspects, in London and other large cities*. London, England: J. Churchill.
- Acton, W. (1871). *The functions and disorders of the reproductive organs in childhood, youth, adult age, and advanced life: Considered in their physiological, social and moral relations* (5<sup>th</sup> ed.). Philadelphia, USA: Lindsay & Blakiston.
- Hemyng, B. (1861/2005). Prostitution in London. In H. Mayhew (Ed.), *The London underworld in the Victorian period: Authentic first person accounts by beggars, thieves and prostitutes* (pp. 1-108). Mineola, NY: Dover Publications, Inc.
- Morgan, W. (1877). *Contagious diseases: Their history, anatomy, pathology, and treatment: With comments on the Contagious Diseases Acts*. London, England: The Homeopathic Publishing Company.
- Newman, F.W. (1869). *The cure of the great social evil: With special reference to recent laws delusively called Contagious Diseases' Acts*. London, England: Trübner & Company.

#### **Legislation**

- House of Commons. (1882). Report from the select committee on contagious diseases acts; together with the proceedings of the committee, minutes of evidence and appendix. London: England.
- The Contagious Diseases Act 1864* (UK)

### Secondary

#### **Books**

- Ager, A.W. (2014). *Crime and poverty in 19<sup>th</sup> century England: The economy of makeshifts*. London, UK: Bloomsbury.
- Andersson, P. (2013). *Streetlife in late Victorian London: The constable and the crowd*. Hampshire, England: Palgrave Macmillan.
- August, A. (2014). *The British working class 1832-1940*. New York, NY: Routledge.

- Barry, K. (1979). *Female sexual slavery*. New York, NY: New York University Press.
- Bartley, P. (2000). *Prostitution prevention and reform in England 1860-1914*. London, UK: Routledge.
- Berg, B.L. (2001). *Qualitative research methods for the social sciences* (4<sup>th</sup> ed.). Neeham Heights, MA: Allyn & Bacon.
- Bullough, V.L., & Bullough, B. (Eds.). (1994). *Human sexuality: An encyclopaedia*. London: Garland Publishing Inc.
- Carpenter, M.W. (2010). *Health, medicine, and society in Victorian England*. Santa Barbara, California: Greenwood Publishing Group.
- Dabhoiwala, F. (2013). *The origins of sex: A history of the first sexual revolution*. London, England: Penguin Books.
- Dworkin, A. (2007). *Intercourse*. New York, NY: Basic Books.
- Dworkin, A. (1997). Prostitution and male supremacy. In A. Dworkin (Ed.), *Life and death: Unapologetic writings on the continuing war against women* (139-152). New York, New York: The Free Press.
- Dworkin, A. (1997). *Life and death: Unapologetic writings on the continuing war against women*. New York, NY: The Free Press.
- Ensor, R. C.K. (1936). *England 1870-1914*. Oxford, Great Britain: The Oxford University Press.
- Federici, S. (2004). *Caliban and the witch*. Brooklyn, NY: Autonomedia.
- Fisher, T. (1997). *Prostitution and the Victorians*. New York, NY: St. Martin's Press.
- Gordon, E., & Nair, G. (2003). *Public lives: Women, family, and society in Victorian Britain*. New Haven, CT: Yale University Press.
- Gray, D.D. (2010). *London's shadows: The dark side of the Victorian city*. London, England: Continuum.
- Kitson Clark, G. (2013). *The making of Victorian England*. New York, NY: Taylor and Francis
- Lane, J. (2001). *A social history of medicine: Health, healing and disease in England 1750-1950*. Abingdon, Oxen: Routledge.
- MacKinnon, C.A. (2005). Prostitution and civil rights. In C.A. MacKinnon (Ed.), *Women's lives, men's laws* (pp. 151-162). Cambridge, Massachusetts: Harvard University Press.

- MacKinnon, C.A. (2005). *Women's lives, men's laws*. Cambridge, Massachusetts: Harvard University Press.
- McKee, A. (2003). *Textual analysis: A beginner's guide*. London, Great Britain: SAGE Publications Inc.
- Mitchell, S. (2009). *Daily life in Victorian England* (2<sup>nd</sup> ed.). Connecticut, USA: Greenwood Press.
- Morgan, S. (2007). *A Victorian woman's place: Public culture in the nineteenth century*. London, England: Tauris Academic Studies.
- Picard, L. (2006). *Victorian London: The Life of a City 1840-1870*. London, England: Phoenix.
- Rutter, V., & Schwartz, P. (2012). *The gender of sexuality: Exploring sexual possibilities* (2<sup>nd</sup> ed.). Lanham, Maryland: Rowman & Littlefield Publishers, Inc.
- Self, H.J. (2005). *Prostitution, women and misuse of the law: The fallen daughters of Eve*. Hoboken: Taylor & Francis.
- Siena, K.P. (2004). *Venereal disease, hospitals, and the urban poor: London's "foul wards" 1600-1800*. Rochester, NY: The University of Rochester Press.
- Sigsworth, E.M., & Wyke, T.J. (2013). A study of Victorian prostitution and venereal disease. In M. Vicinus (Ed.). *Suffer and be still: Women in the Victorian age* (pp. 77-99). Oxen: Routledge.
- Shanley, M.L. (1993). *Feminism, marriage, and the law in Victorian England*. Princeton, New Jersey: Princeton University Press.
- Walkowitz, J. R. (1982). *Prostitution and Victorian society: Women, class, and the state*. Cambridge, UK: Cambridge University Press.
- Wiesner, M.E. (Eds.). (2007). *Witchcraft in Early Modern Europe*. Boston, MA: Houghton Mifflin Company.
- Winter, J. (2013). *London's teeming streets, 1830-1914*. London, UK: Routledge.
- Yin, R.K. (2003). *Case study research: Design and methods* (3<sup>rd</sup> ed.). London, England: Sage Publications.

## Articles

- Davies, A. (2010). Radical Feminism. In A. J. Mills, G. Durepos & E. Wiebe (Eds.), *Encyclopedia of case study research* (pp. 777-780). doi: <http://dx.doi.org.ezproxy.ecu.edu.au/10.4135/9781412957397>

- Gilfoyle, T.J. (1999). Prostitutes in history: From parables of pornography to metaphors of modernity. *The American Historical Review*, 104(1). Retrieved from <http://www.jstor.org/stable/2650183>
- Jolin, A. (1994). On the backs of working prostitutes: Feminist theory and prostitution policy. *Crime & Delinquency*, 40(69). doi:10.1177/0011128794040001005
- Scoular, J. (2004). The “subject” of prostitution: interpreting the discursive, symbolic and material prostitution of sex/work in feminist theory. *Feminist Theory*, 5(343). doi: 10.1177/1464700104046983
- Thomas, K. (1959). The double standard. *Journal of the History of Ideas*, 20(2), 195-216. Retrieved from <http://links.jstor.org/sici?sici=0022-5037%28195904%2920%3A2%3C195%3ATDS%3E2.0.CO%3B2-P>