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Streetwalkers, Women Hunters, and the Shrieking Sisterhood: The Contagious Diseases  
Acts and Constructions of Women in Nineteenth-Century Britain

A Thesis in Women's and Gender Studies

by

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The Contagious Diseases Acts were passed by the British Parliament in 1864, 1866, and 1869. The Acts applied to eighteen districts in Britain and almost all of the British colonies. Explicitly, the purpose of the Acts was to control venereal disease in the British military, but in reality, the legislation created an environment in which prostitutes and women of the working-class poor could be harshly policed and regulated. Two main coalitions formed in response to the Acts: repealers, who wished to overturn the Acts; and extentionists, who wanted to expand the Acts to the entirety of Britain. The repeal group included many middle-class women, who were able to access the political sphere in an unprecedented manner while protesting against the Contagious Diseases Acts. The discursive debate between the two groups played out primarily in print. Working-class women's lives and bodies were the primary concern of the Acts, but they were left out of the formal discourse-making process. Nevertheless, they protested in significant ways, particularly in courts, in the domestic sphere, and in hospitals. *Streetwalkers, Women Hunters, and the Shrieking Sisterhood: The Contagious Diseases Acts and Constructions of Women in Nineteenth-Century Britain* explores the discursive production around the Contagious Diseases Acts, and the resistance of working-class women, using Foucauldian and materialist lenses.

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*To Wendy Kolmar: my mentor, my teacher, and a many gendered mother of my heart.*

## Introduction: Theory and Methodology

Let us suppose the case of a horse which the operator, *believing to be dead*, proceeds to dissect: the approach of the knife to some sensitive nerve reveals, by the quiver which runs through the poor creature's frame, and its spasmodic effort to escape, that it was *not* dead, and that the operator has been guilty, through the falseness of his own conclusions as to its state, of *vivisection*. Such is precisely the case of the thousands of women (creatures at least originally as noble as a horse) whose womanhood the majority of the medical faculty seem to agree with Dr. Davies in pronouncing to be *dead*, and whom they treat accordingly. – Josephine Butler, *An Appeal to the People of England on the Recognition and Superintendence of Prostitution by Governments*

The prostitute is a sad burlesque of a woman, presenting herself as an object of lust instead of an object of honorable love – a source of base gratification instead of a reason for self-restraint; familiarizing man with this aspect of women till he can see no other, and his indulged body and debased mind lead him to seek in them only sensual gratification. – William Acton, *Prostitution Considered in its Social and Sanitary Aspects*

The day before, they committed the damage complained of by throwing the utensils through the window of their ward...there had been no symptom of insubordination among the inmates *there* before, although the offense was an *old one* among that class of patients in the district. – *The Shield*, “More Proofs of the ‘Reclaiming’ Powers of the Acts”

A living creature submitted to vivisection, a burlesque of a woman, a riotous class throwing cutlery out of windows; these are just three of the many constructions of prostitutes which surfaced during the debates around the Contagious Diseases Acts in the nineteenth-century. In this thesis, I will explore the discursive representations of gender, sexuality, and the working-class which emerged in prolific texts responding to the Contagious Diseases Acts (or CD Acts). Furthermore, I will investigate the material repercussions of the discursive constructions of prostitutes and working-class women in the dynamic social, cultural, and historical landscape in which the CD Acts were situated. I will argue that, as a historically contingent construction,

gender was negotiated and renegotiated through the CD Acts and the debates taking place around them. After considering the constructions of gender, sexuality, class, and prostitution, I will examine the forms of protest working-class women specifically deployed to resist the Contagious Diseases Acts.

### **The Contagious Diseases Acts: What Were They?**

The Contagious Diseases Acts were acts passed by the British Parliament in 1864, 1866, and 1869. The acts were passed with the explicit purpose of controlling venereal disease in the British military. However, they created an environment in which prostitutes and working-class women could be harshly policed and regulated by the state. The Acts applied to eighteen districts in Britain: Aldershot, Canterbury, Chatham, Colchester, Dover, Gravesend, Maidstone, Plymouth and Devonport (which were regulated as a single district), Portsmouth, Sheerness, Shorncliffe, Southampton, Winchester, Windsor, Woolwich, The Curragh, Cork, and Queenstown. The subjected districts were largely garrison and port towns with a significant military presence. All of the districts were inhabited primarily by working-class populations. The laws were also enacted in almost all of Britain's colonial possessions.

In the subjected districts, plainclothes policemen, often referred to as "the water police" or even "woman hunters" could watch women. If a policeman suspected a woman of being a prostitute (and policemen were given wide discretionary power as to what may arouse such suspicion), he could serve her a notice in which she was given a choice: sign a voluntary submission form, or go before a magistrate. If a woman signed the voluntary submission form,

she would be placed on a register of common prostitutes. She would be instructed to undergo speculum examinations every two weeks to determine if she was infected with venereal disease. These examinations would take place for up to a year, at which point she would be considered “clean” if no evidence of venereal disease had been found. Though she would not be examined any longer, she could be brought under the Acts once more if the authorities thought it necessary. If a woman did not sign the voluntary submission form, she would be taken before a magistrate. The burden would lie on the woman to prove she was not a prostitute. It would then be up to the magistrate to decide whether the woman would be commanded to submit to examinations, or to go free; more often than not, the magistrate would order the woman to be placed on the register of common prostitutes and undergo periodic examinations. If she did not comply with the examinations or any other part of the CD Acts, she could be sent to prison for up to three months with hard labor and could be repeatedly be sent back to prison until she complied.

If, during an examination, it was found that a woman was suffering from venereal disease, she would be sent to a “lock hospital,” hospitals specifically created by the Acts to treat women with venereal disease. She could be kept in the hospital for up to nine months (in the 1864 Act, the original period was only three months, but this was extended in the 1866 and 1869 Acts). She would be treated through both “moral” and “physical” means in the lock hospital. Her moral treatment sought to “reclaim” her from her life of sin; often this included attending church services and being taught “respectable” skills such as needlework and cleaning. Physically, women were taught to wash in specific ways. However, penicillin did not yet exist; thus, there was no known cure for venereal disease. Cases that presented themselves as particularly severe were sometimes treated with mercury or silver nitrate, and if the physical symptoms disappeared,

a woman was said to be “cured.” Once she was discharged and deemed free of disease, she was considered “safe” to once again sleep with the members of the British military; however, she would continue to be monitored by the water police and put under the Acts again if deemed necessary. Though the Acts set out to reduce venereal disease in the military, the legislation only targeted women, who were identified as the primary source of disease and pollution.

Perhaps unsurprisingly, the CD Acts aroused an animated political dialogue surrounding ideas of gender, sexuality, and class in nineteenth-century Britain. Countless institutions and individuals argued in favor of or against the Acts, and produced an explosion of texts presenting their arguments. These groups can be roughly divided into two coalitions: the repealers, who wanted to end the Acts, and the extensionists, who wanted to extend the Acts to wider areas of Britain and the British colonies. Although there were many different ideologies and motivations within each group, I believe it is helpful to narrow the diverse array of characters into two coalitions – the repealers and the extensionists – in order to explore the politics surrounding the CD Acts.

## **Repealers**

The repealers organized in an attempt to overturn the Contagious Diseases Acts. In “Opposition to the Contagious Diseases Acts,” Margaret Hamilton reports that two major groups organizing for the repeal of the CD acts were formed in 1869: The National Association for Repeal of the Contagious Diseases Acts, and the Ladies’ National Association for Repeal of the Acts (also known as the LNA). The National Association’s membership was exclusively male.



Men from numerous professions joined the National Association, including politicians, clergyman, businessmen, lawyers, and doctors. The LNA was formed to allow women to join the repeal cause (its critiques enjoyed referring to the LNA as the “screaming sisterhood”). Its leader, Josephine Butler, quickly became the face of the repeal cause. Many well-known women were also among its members, including Florence Nightingale and Elizabeth Blackwell (Hamilton, 16). The LNA had members from a number of churches: at first, non-conformist churches, particularly the Quakers and Methodists, showed support for the repeal cause. As the repeal movement gained momentum, the Anglican clergy also voiced their support. The Oxford movement, a Catholic leaning movement within the Anglican Church spearheaded by John Henry Newman, and a number of physicians also came to the repeal side of the argument in the late 1870s (Hamilton, 21). Another important segment of the repeal coalition was workingmen. Hamilton asserts: “These men were deeply disturbed because they felt that it was women of their own class who might be arrested, since it was they who often had to be on the streets late in the evening going to or from work” (Hamilton, 21). Workingmen created a “Workingmen’s League” against the acts, which became another powerful part of the repeal movement. Chapters of the National Association and the LNA – as well as other smaller repeal organizations - were organized across Britain. “By the end of 1875, there were some dozen different societies in the United Kingdom working to defeat the Contagious Diseases Acts, and groups supporting them existed in many cities and towns. These societies included both the National Association and the Ladies' National Association for Repeal, a National Medical Association for Repeal, and a Workingmen's League for Repeal” (Hamilton, 25). Working-class women were involved in the repeal of the Acts, but usually not through formal membership in the LNA or other repeal

organizations. I will explore the efforts of working-class women to repeal the Acts in Chapter Two. The establishment of these strong groups across Britain resulted in a powerful collective resisting the CD acts.

### **Extentionists**

When the CD Acts were first passed, they subscribed (at least explicitly) only to a military-centric, public health rationale. The War Office, the Admiralty, and state officials connected with the military were concerned about the passage and implementation of the Acts. However, when the public became aware of the Acts – which wasn't until the end of the 1860s – the conversation began to encompass a wider set of moral and social rationales for regulating prostitution, and arguments for the extension of the Acts to civilian areas in Britain emerged. Medical associations and civilian organizations began to organize in support of the Acts, citing moral, social, and religious arguments in their favor. The Association for Promoting the Extension of the Contagious Diseases Act was formed in 1867, and opened chapters throughout Britain. The Association included politicians, military authorities, churches, police, medical associations, and other civilian groups. Through the diverse array of members in the extension cause, the arguments for the implementation of the Acts transformed from their military origins into a much wider social vision, one in which the entirety of Britain could be brought under the CD Acts. The regulation of prostitution, and the venereal disease of which prostitutes were presumed to be the primary carriers, became part of a hypothetically transformative social, moral, and public health-oriented model for Britain.

The debate between the repealers and extensionists played out primarily in print. The repealers and extensionists produced an enormous amount of printed material - pamphlets, broadsides, newspaper articles, circulars, petitions, and published speeches, to name a few - in which they argued for their respective views on the CD Acts. In the literature they produced, each coalition attempted to dominate the discourse around the Acts, and in the process, establish the primacy of their definitions and terms for defining the debate. The power to control language led to the power to shape legislation, and thus the power to control the material implications of any legislation that was passed or repealed. Controlling the dominant understandings of women, gender, and sexuality thus led to the success or loss of the battle to repeal or extend the CD Acts.

### **The Significance of Print**

Chapter One of my essay will critically analyze constructions of women produced through texts by the repealers, the extensionists, and the Contagious Diseases Acts themselves. Why such an emphasis on texts? The nineteenth-century saw the first moment of mass literacy. More of the public was reading; steam presses had recently been invented (making printing both faster and cheaper); and a great number of newspapers were in circulation. Due to these developments, print was the major form of broadcast communication. As a cultural source of meaning, newspapers and other print media were key to the Victorians. Each newspaper had a clearly defined audience based on class and politics; a lot could be told about a person by their choice of paper. As a hub of class and politics, the contest and negotiations for cultural meanings was happening in print sources. The CD Acts featured heavily in print as the repealers and

extensionists battled to assert their definitions of womanhood, class, and sexuality.

Consequently, printed documents focusing on the CD Acts offer a valuable window into the competing discourses of this period. The primary documents I have used while researching the textual constructions of women for this essay include newspaper articles, petitions, circulars, periodicals, and transcriptions of speeches from both the extensionists and the repealers.

As mentioned, newspapers in the nineteenth-century had clear political and class readerships. For instance, in “British Newspapers 1800-1860,” Ed King tells us that “*The Morning Post* was said to be the preferred reading of the aristocracy,” “*The Standard* was started in 1827 as an evening paper with Conservative views. It specifically opposed Catholic Emancipation. In later years, *The Standard* became one of the principal conservative daily newspapers,” “*The Times* was loosely identified with Liberalism... support for the government of the day at any particular time was lent rather than given, and could at any time be replaced by criticism or outright opposition,” and *The Daily News* “championed Liberal ideas” (King, 1). The political leanings of each newspaper determined their stance on the CD Acts. Hamilton argues that beginning with the very passage of the Acts, the media did not cover the legislation for the most part: “those opposed...asserted that the press had not clearly informed the reading public of the controversial aspects of the legislation. In moving to repeal the Acts, Sir Harcourt Johnstone claimed that “opponents of the Acts have been disadvantaged for the Metropolitan press has not come to their aid” (Hamilton, 19). Once the Acts had been passed, most of the popular press subscribed to the extensionists’ perspective, and did not print or argued against the views of the repealers. The extensionist view of prostitutes aligned with the way dominant British culture already viewed working-class women, so their perspective had more purchase. For example,

“*The Times*...in a leading article, supported the first Contagious Diseases Act and at least six other "leaders" favorable to the laws appeared during the next nine years. But *The Times* gave much less space to the views of those opposed” (Hamilton, 19). As a way to reach the public, the media bias towards the extensionist cause was a devastating disadvantage to the repealers.

The repealers published extensively, and I would argue that they adopted this strategy because they were seeking to drown out the biased media with their own discourse; they did, however, have a few publications on their side. W.T Stead’s *The Pall Mall Gazette*, in which the infamous “The Maiden Tribute of Modern Babylon” was published, was certainly one of them. *The Pall Mall Gazette* was extremely liberal. The repealers also created an alternative press, self-publishing their own periodical, *The Shield* in Britain, and later *The Dawn*, focused on repealing the CD Acts in the British Colonies. But in order to truly persuade the public that their definitions of gender and sexuality were correct, they had to permeate more popular media in order to reach readers from various classes and political stances. The greater the media coverage the repealers received, the wider an audience they reached, and thus the more they were able to achieve. Hamilton asserts: “the opposition benefited from the greater publicity that it received as the years wore on. On December 31, 1869, a statement protesting the Acts appeared in the *Daily News*” (Hamilton, 22). This statement was widely known as the “Ladies’ Protest” or the “Women’s Protest,” written by the Ladies’ National Association. Hamilton believes that “it is likely that many English men and women read the ‘Women’s Protest’...for the *Daily News* had a circulation of about 150,000 at this time” (Hamilton, 22). This new attention was significant for the repealers. As time wore on, more print media paid attention to the repeal cause. Significantly,

*The Times* began covering repeal-related topics around 1870. Coverage by *The Times* was a massive achievement for the repealers, as it had a very large readership.

Though repealers certainly put time and effort into acquiring newspaper coverage, arguably they put even more resources into creating petitions. Hamilton reports: “from the years of 1870 to 1881, a total of 10,270 petitions opposing the acts were presented to the House, with a total of 2,011,825 signatures” (Hamilton, 24). The vast number of petitions circulated and presented to parliament speaks volumes of the attempt of the repeal movement to flood the state and the public with their own definitions of womanhood and sexuality in order to claim just as much, if not more, of the public discourse as the state.

While petitions and newspapers were used to communicate to the public and parliament, circulars were used to communicate internally to members of the LNA. Josephine Butler was often the author of these circulars, or else significantly featured within them. Butler wrote many letters to her supporters, including a number addressed “To my dear friends,” which updated repealers on their progress and the challenges they were facing. *The Shield* was also meant for internal communication, as well as external outreach. Often, these circulars ended up in other newspapers.

Finally, speeches given by extensionists and repealers quickly found their way into print. A great number of speeches were given on both sides of the debate, which highlight particular arguments each coalition made, as well as the definitions of gender, sexuality, and class for which they advocated. Spoken testimonies given to parliament, in particular to a Royal

Commission which was set up specifically to examine the workings of the CD acts, provide insights into the politics of the repealers and extensionists.

Thus, the passage of the CD acts, followed by the 16-year repeal movement, was temporal moment in which opposing parties battled to make their definitions of women and sexuality the dominant discourse. In order to analyze the texts produced by each group, I will first turn to theoreticians whose work will shape my investigation into the discursive work in and around the CD Acts.

## **Foucault**

Michael Foucault's *History of Sexuality* provides the major theoretical framework for my discussion of the Contagious Diseases Acts. Foucault argues that discourse is created through the transformation of acts into language. Once transformed into language, power can be asserted over what was, just moments ago, a mere act or behavior. Sexuality, for Foucault, is the primary site at which discourse has been created as a means to assert power over particular bodies. Many institutions have sought to produce discourses on sexuality: law, medicine, psychology, criminal justice, to name a few. Certainly in the creation and workings of the CD Acts, many institutions claimed power over women's sexuality through turning sexual acts into discourse. For example, parliament and the military worked in conjunction to create legal discourse to police and, in some cases, criminalize women, while lock hospitals and examining surgeons produced medical discourse in which women's bodies were framed as vectors of disease. Each of these discourses framed sexuality as "right" or "wrong," "deviant" or "normal," "moral" or "immoral," but only

after sexual acts had been turned into language. These discourses “were interlocking, hierarchized, and all highly articulated around a cluster of power relations” (Foucault, 30). When repealers sought to create their own competing discourses, they had to contend with the dominant and thus most powerful discourse, produced by arms of the state such as parliament, the military, and the police force. The interlocking nature of legal, medical, and other discourses sponsored by the state made for a web of discourses which was inevitably difficult for the repealers to penetrate from their position as renegade discourse-makers.

Furthermore, morphing behavior into discourse allowed the state not just to pass judgement on the relative morality or immorality of particular sexual acts, but also allowed it to manage, control, and regulate sex by inserting it “into systems of utility, regulated for the greater good of all, made to function according to an optimum” (Foucault, 24). This nuance is important, because at the end of the day, the state did not want to end prostitution; on the contrary, they felt it was a necessary evil for the proper functioning of the military and thus the empire. Far from judging women’s sexualities in order to annihilate what they may have deemed immoral, sex “was a thing one administered. It was in the nature of public potential; it called for management procedures; it had to be taken charge of by analytical discourses” (Foucault, 24). Prostitution was necessary, yet, it was still dangerous. Thus, prostitutes had to be deployed, but only under the most controlled, regulated system. The Acts administered “clean” prostitutes to the military in the interest of the “public potential.” Prostitutes had to be overseen by “management procedures” so as not to get out of hand; the discourses of the state would “take charge” in order to ensure prostitutes were operating appropriately. Even though the work of prostitutes was deemed necessary, it was just as important that they did not know they were important or thought of as a



powerful force capable of collapsing or upholding the empire. The discourses in which prostitutes were framed achieved this delicate balance by ensuring prostitutes remained “the object[s] not only of a collective intolerance but of a judicial action, a medical intervention, a careful clinical examination, and an entire theoretical elaboration” (Foucault, 31). Yes, prostitutes were managed and regulated for the state; but they were nevertheless “objects” defined, controlled, and punished by the state, for the state.

In this regulatory system, individual prostitutes’ behavior had to be tracked, controlled, and if necessary, altered: “between the state and the individual, sex became an issue, and a public issue no less; a whole web of discourses, special knowledges, analyses, and injunctions settled upon it” (Foucault, 26). The Contagious Diseases Acts are a striking location of the multiplicity of “official” discourses operating upon individuals. The sexuality of prostitutes existed at the center of political, medical, penal, religious, economic, and military discourses all exercising power over working-class women. But, as Foucault notes, these acts did not simply judge working-class women as a group of bodies constituting a dangerous sexuality (though this was absolutely an assertion made repeatedly). Rather, the discursive power of the acts lay in the ability to both frame the women as dangerous, and still regulate and utilize them for the purposes of providing sex to the military.

Repealers, on the other hand, fought an uphill battle to create an alternative web of discourses in which women were defined differently. The repealers were mainly middle-class women, working to repeal the CD acts, which primarily affected working-class women. Their inter-class politics worked both for their own self-interest and the interest of their working-class “sisters.” In the literature which I will discuss in more depth later, it is clear that repealers did, in

many ways, feel concerned for working-class women and sought to help them through abolishing the Contagious Diseases Acts. It is also evident that they saw the danger posed to their own class by the definition of womanhood that was put forward by the state through the CD acts; they were aware that all women were implicated by this definition, not just the working-class. Through creating an alternative discourse, and attempting to forward their language as the hegemonic narrative of women, gender, and sexuality, the repealers contested the dominant state discourse forwarded in the CD acts.

The first chapter of my thesis revolves around the analysis of discourse produced by repealers and extentionists. I will look at the texts produced by both coalitions as sites of competing narratives and contested definitions of women, gender, and sexuality. Foucault's theory of discourse will be key to this analysis. Through looking at the textual site of negotiations of gender and sexuality, the political aims and strategies of the repealers and extentionists become apparent. In my second chapter, I will examine the on-the-ground reality of the Contagious Diseases Acts in working-class neighborhoods. I will argue that the Acts sought to create distinct and separate categories of "women" and "prostitutes" by separating prostitutes from their wider social networks. Once prostitutes were bounded as a distinct category, they could be analyzed and categorized so that authorities could "take sex 'into account,' to pronounce a discourse on sex that would not derive from morality alone but from rationality as well" (Foucault, 24). The state could then claim power over prostitutes as a bounded, separate group.

Foucault's critical discourse theory will shape my analysis. However, there are a few ways his post-structural approach falls short for the aim of my thesis. Namely, Foucault's

analysis actively contests the categories of “women,” “gender,” and “sexuality.” Instead, he claims these categories are constructs of discourse, and non-existent in reality. Although I agree with Foucault’s assertion that these categories are constructed, I do not believe this means they do not have material locations and consequences. I also do not think that textual discourse is the only site of the construction of these subjectivities. And although I will argue that the texts produced by the repealers and extentionists constructed definitions of womanhood, class, and sexuality, I nevertheless believe it is important to understand the material conditions set up by these discourses. In addition, working-class women were able to resist the Acts despite being excluded from the formal discourse-making process. Foucault’s theoretical work alone does not provide me with a methodology to understand their activism. In order to bridge the divide between Foucault’s post-structural analysis and the material conditions that I believe such discourses set up, as well as the ways that working-class women were able to resist the Acts without explicit access to the discourse-making process, I will turn to Linda Alcoff’s “Cultural Feminism versus Post-Structuralism: The Identity Crises in Feminist Theory.”

### **Alcoff**

Alcoff admits that gender is, indeed, a construct. She actively contests the cultural feminist assertion of gender as ahistorical or essentialist: gender has a history, and that history is rooted in how it has been constructed. However, she also points out that it is important not to lose the category of “women” altogether, as in post-structuralism. To save the value of post-structuralism while bringing social reality and the historical experience of women back into the conversation, Alcoff introduces the concept of positionality. Positionality recognizes that gender

is, indeed, a construct. However, this construct is “formalizable in a nonarbitrary way through a matrix of habits, practices, and discourses. Further, it is an interpretation of our history within a particular discursive constellation, a history in which we are both subjects of and subjected to social construction” (Alcoff, 431). Gender is constructed through habits, discourses, and practices, and is always rooted in its historic moment. The historic moment is always changing, therefore gender, as a construct within history, is also constantly changing. However, “the position that women find themselves in can be actively utilized (rather than transcended) as a location for the construction of meaning, a place from where meaning is constructed, rather than simply the place where a meaning can be discovered (the meaning of femaleness).” In this way, women can “use their positional perspective as a place from which values are interpreted and constructed rather than as a locus of an already determined set of values” (Alcoff, 434). The meaning of gender and femaleness can be constantly constructed and reconstructed, negotiated and renegotiated by the positional perspectives of women within history. The ability to reconstruct the meaning of womanhood is not without constraints; there are major limitations on how much negotiation can take place. Nevertheless, gender is a construct that can continue to be constructed from various positionalities through history.

The understanding that gender is both constructed and materially meaningful is key to conceptualizing what is going on in the CD acts. Gender, as a historically contingent construction, was being negotiated in the battle between repealers and extensionists to claim the dominant definition of women, gender and sexuality. The extensionists were invoking a dominant discourse about women to support their argument, while the repealers were attempting to resist the dominant discourse by creating their own definition of womanhood. Their resistance

to normative notions of gender was significant, as we will see through their texts. However, while repealers attempted to construct a meaning for all women, their position as middle-class women caused (what I will argue is) a major flaw: while they resisted dominant discourses of gender, they simultaneously reiterated dominant discourses of class. Working-class women were primarily affected by both repeal and extensionist discourses, but they were, for the most part, left out of the process of discourse creation. However, working-class women were not passive in the face of the CD Acts; they, too, negotiated from their positionality by protesting in a more physical fashion, despite being left out of the discursive debates.

### **Walkowitz**

Judith Walkowitz combines the theoretical, methodological, and historical precedents I have laid out in *Prostitution and Victorian Society: Women, Class, and the State*. Focusing specifically on the Contagious Diseases Acts, Walkowitz brings together a comprehensive historical account of the social and political conditions surrounding the legislation with a Foucauldian and materialist lens. She asserts, “the modern debate over sex, Foucault argues, was a strategy for exercising power in society. By ferreting out new areas of illicit sexual activity, a new ‘technology of power’ and ‘science of sexuality’ were created that facilitated control of an ever-widening circle of human activity. The new “science of sexuality” identified sex as a public issue” (Walkowitz, 4). Furthermore, “a complicated ‘technology of power’ was established to oversee and manipulate the social lives of the unrespectable poor. Special controls were placed on the female body in that prostitutes, not their male clients, were identified as the primary source of disease and pollution.” In so doing, “the medical and police supervision in turn created

an outcast class of ‘sexually deviant’ females, forcing prostitutes to acknowledge their status as ‘public’ women and destroying their private associations with the general community of the laboring poor” (Walkowitz, 4-5). Walkowitz uses Foucault’s conception of discourse as a site of categorization and power to explain the impact of the CD Acts on the categorization of prostitutes and the poor. She then moves away from a purely post-structural reading of the Acts by adding that her study “will examine how sexual and social ideology became embedded in laws, institutions, and social policy. This study treats ideology as a ‘child of social experience’; not as an abstract static system, but something more fluid, reflective of the power dynamics of Victorian society and responsive to changing historical circumstances” (Walkowitz, 5). The Acts produced material consequences in social reality; to say they were merely linguistic constructions would be denying the real power they had in the lives of working-class women. Walkowitz also acknowledges that “although the C.D. acts created a ‘technology of power,’ they also generated formidable social and political resistance. The acts became a battleground where diverse and competing groups vied with each other for social and political power” (Walkowitz, 5). Just as the discursive structures of the Acts impacted the social reality of many women, campaigns in response to the Acts included both discursive and material elements to them. Walkowitz will help shape my understanding of the way the Acts, the repealers, the extensionists, and the working-class engaged with discursive constructions and/or resisted the Acts through on-the-ground, physical forms of protest rooted in the social reality the Acts set up. Her historical background, theoretical work, and methodology will be a guide for my own analysis.

I will also consult the theoretical and methodological tools Walkowitz uses in her study *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*. In this work, Walkowitz studies narratives of sexual danger in nineteenth-century London through a Foucauldian lens, with the addition of a positional materiality perspective. She picks apart these narratives paying particular attention to the “epistemological challenges posed by poststructuralist critics, who insisted that historians pay closer attention to the ‘complex way meanings are constructed and cultural practices are organized,’ in particular the rhetorical, linguistic means by which people represent and understand their world.” She seeks to engage “in a productive dialogue with poststructuralists, reformulating their insights about cultural meanings to address analytic categories” (Walkowitz, 7-8). Walkowitz’s study revolves around the competing narratives of sexual danger, and looks to the ways such narratives shaped cultural categories, meanings and understandings. At the same time, Walkowitz is aware that “feminist scholars have called for a more complex picture of Victorian sexual politics and sexual practice than Foucault’s paradigm allows, one that gives more attention to the material context of discursive struggle and to the specificity of women’s experience in these struggles” (Walkowitz, 9). In order to account for the material context in which the discursive contestations took place, Walkowitz grounds her poststructural analysis in the realities women faced in their attempts at resistance. She does not lose sight of the limitations and difficulties women confronted due to the social world they inhabited: “Just because women are excluded from centers of cultural production, they are not left free to invent their texts, as some feminist critics have suggested. They are not innocent because they are on the sidelines. They are bound imaginatively by a limited cultural repertoire, forced to reshape cultural meanings within certain parameters”

(Walkowitz, 9). Thus, although women and men were both involved in the creation of new cultural meanings, women were still working within the constraints of the cultural language available to them. Further, “women of different classes and races all have to rely on cultural constructs to tell their “truths,” but the cultural constructs available in different social situations vary” (Walkowitz, 9). All women faced imaginative limitations due to the constructions available to them; these limitations varied for women of different races and classes.

The nineteenth-century was time in which at least middle-class women had unprecedented access to the public world of discourse due to the “conjunction of shifting sexual practices, sexual scandals, and political mobilizations” (Walkowitz, 5) characteristic of this particular temporal moment. During the campaign to repeal the CD acts, middle-class women used and accessed “new public spaces and new journalistic practices to speak out against men’s double lives, their sexual diseases, and their complicity in a system of vices that flourished in the undergrowth of respectable society” (Walkowitz, 6). Through the repeal campaign, middle-class women “claimed themselves as part of a public that made sense of itself through public discourse” (Walkowitz, 7). As mentioned earlier, an important technique the repealers used to publically voice and disseminate their discourse was through publishing extraordinary amounts of literature: “...feminist opponents of regulated prostitution disseminated images and narratives of scientific sexual violence more widely than any other literary vehicle of the time, including pornography” (Walkowitz, 7). The incredible amounts of literature created by the repealers will serve as a key part of my own analysis of the repealers’ political strategy to change the discourse which made claims regarding women and sexuality.



Throughout my thesis, I will draw much more upon the historical background in Walkowitz' *Prostitution and Victorian Society* rather than *City of Dreadful Delight*, as the latter focuses primarily on narratives of sexual danger, while the former gives a more thorough explanation of the historical moment as a whole. However, I will look to the elegance with which Walkowitz bridges poststructural analysis and a material understanding of the social world in *City of Dreadful Delight* to guide and model my own theoretical work.

## Nead

Next, I will add to my theoretical concoction Lynda Nead's *Myths of Sexuality: Representations of Women in Victorian Britain*. In *Myths of Sexuality*, Nead explores constructions of women in nineteenth-century Britain, particularly through analyzing visual representations of normative and transgressive women. Moreover, Nead situates these constructions in their historical and cultural moment, and looks at the policy and regulatory implications such representations legitimized. Nead makes a number of the same moves as Walkowitz in terms of bridging poststructuralism and materialism. Then, she goes on to present some important critiques of Foucault, before providing solutions to these critiques. She also defines a number of key terms which I will adopt as I move forward.

Importantly, Nead takes the time to explicitly define discourse. I would like to explore her definition immediately in order to be as explicit as she with what I mean by 'discourse.' She explains: "Foucault does not use the term 'discourse' in a consistent way; consequently, there is some uncertainty about the precise meaning of the term as it is used in *The History of Sexuality*." In order to set up her argument, Nead continues: "'discourse' is used in this book to specify a

particular form of language with its own rules and conventions and the institutions within which the discourse is produced and circulated. In this way, it is possible to speak of a medical discourse, for example, which refers to the special language of medicine, the form of knowledge it produces and the professional institutions and social spaces which it occupies” (Nead, 4). Nead’s definition holds true for my own comprehension of discourse. Consequently, I will use this definition of discourse going forward.

Coming back to Foucault’s argument, Nead asserts that *History of Sexuality* underscores the “constantly shifting and changing deployment of discourses on sex. Foucault refers to the centers of the nineteenth-century – such as medicine, psychiatry, and criminal justice – which produced discourses on sexuality. These sites radiated definitions of acceptable and unacceptable forms of sexuality” (Nead, 3). These sites of discourse certainly influenced the debate around the CD acts, which sit at the nexus of medical, psychiatric, and criminal justice discourses, to name a few. Moreover, “discourses on sexuality are firmly implicated in the exercise of power relations...Foucault explores the relations between power, knowledge, and pleasure as they come together in the construction of sexuality...he describes sexuality in the nineteenth-century in terms of a constant process of definition and regulation” (Nead, 3). The aim of the deployment of discourses surrounding the CD acts was to claim power over particular kinds of sexualities. After naming, defining, and judging forms of sexuality, power of those sexualities could be claimed and regulated as deemed necessary. However, “discourses are produced by historical agents with varying degrees and sources of power and correspondingly variable levels of effect in the organization of sexuality. Naturally, there can be no absolute rule for establishing these relative positions...no discourse, therefore, can be looked at in isolation” (Nead, 4). With numerous

discourses produced by those who both favored and disagreed with the CD acts, it is important to note that the creators of discourse do not have equal access to power and resources. At the same time, discourses are overlapping, so there is no clear cut hierarchy of these various social languages. Given the nature of discourses and of the actors producing them, discourses must not be looked at in isolation, but rather as always relative to one another, and to the identity and location of those who produce them.

Nead continues, “Foucault’s work brings to light the ways in which sexuality was (and still is) organized around the definition of a norm of sexual behavior and of forms of deviancy, the categorization of respectable and non-respectable practices, and the differentiation between licit and illicit sex” (Nead, 4). She goes on to note that the assertion of the categories of what was “normal” or “deviant,” “respectable” or “non-respectable,” “licit” and “illicit,” was a key part of the creation and perpetuation of class hegemony. Nead defines hegemony as “the complex processes through which a ruling class secures and maintains power over other social classes; it refers to the interrelationship of economic, political, and social forces, the techniques of coercion and consent, which guarantee the existing relations of production” (Nead, 5). The concept of hegemony is important for our understanding of the CD Acts, on both a domestic and international scale. The “ruling class” could be conceptualized, as Nead points out, as the middle-class. However, I want to take this a step further in asserting that the ruling class was middle-class, male, British, and white. The Contagious Diseases Acts are not only a site where we see class hegemony asserted. The hegemonic rulers were male, hence the need to define, categorize, and regulate women; British, because the CD Acts asserted dominance not just in Britain, but also over British colonies; and white, because whiteness was claimed to be a marker

of British civilization, in opposition to those the British colonized. The repealers sought to disrupt the male, British, white hegemony, even if they were of the same economic class as many of the extensionists.

Nead's main critique of Foucault's *History of Sexuality* is his lack of differentiation between male and female sexualities. "Within dominant sexual codes the definition of sexuality was and still is gender specific. In the nineteenth-century gender was a primary category in the regulation of sexuality; the male sexual urge was understood to be active, aggressive and spontaneous whilst female sexuality was defined in relation to the male and was believed to be weak, passive and responsive" (Nead, 5-6). These differing understandings of sexualities was "encapsulated within the 'double standard.'" Nead provides an excellent definition of the double standard: "This concept refers to a code of sexual mores which condones sexual activity in men as a sign of 'masculinity' whilst condemning it in women as a sign of deviant or pathological behavior" (Nead, 6). Once again, I will use this definition of Nead's going forward, and once again, this concept will be very important for understanding the Contagious Diseases Acts. Nead continues to tell us that nineteenth-century understandings of female sexuality were "class specific." She claims: "the definition of female sexuality across an axis of class made it easier to construct a coherent image of respectable femininity. Beliefs concerning the nature of female sexual desire were extremely fractured, but these differences could be displaced...by invoking a generalized notion of female respectability and opposing it to the imagined excess passion and sexual deviancy of the women of the undeserving poor" (Nead, 7). The stratification of gendered sexualities was further split into various class sexualities, with middle-class women presumed to be "pure" and "respectable," while working-class women were cast as hypersexualized and

“immoral” sexually. Middle-class women, as “respectable ladies,” were not the targets of the CD Acts. Rather, the “immoral” women working-class were perceived as sexually dangerous.

Nead’s understanding and critiques of Foucault, her definitions of key terms, and her contextualization of Foucauldian and materialist analysis is invaluable to my own analysis. I will seek to use and expand upon her model as I theorize the discourses pertaining to the Contagious Diseases Acts.

In the following chapters, I will use Foucault’s discourse analysis, Alcoff’s positionality, and Walkowitz’ and Nead’s historically contextualized uses of post-structuralism and material understandings to explore the workings of the Contagious Diseases Acts. In Chapter One, I will read texts produced by the extentionists and repealers, as well as the Acts themselves. My primary lens for reading the texts will be discourse analysis. Positionality will further my analysis of the way repealers organized around particular identities. Specifically, I will examine how the Acts, extentionists and repealers constructed the relationship between women and disease, women and other women, women and men, and women and the state. In Chapter Two, I will examine the ways in which working-class women resisted the CD Acts from their unique positionality, despite being left out of the discourse making process. Foucault’s conception of categorization and power, as well as Alcoff’s positionality, will frame my investigation. My epilogue will point out the continuing legacies of the presumptions underpinning the CD Acts, underscoring what is still at stake today.

## Repealers and Extentionists: Battle of the Discourses

### Introduction

The Contagious Diseases Acts sparked a dynamic debate regarding the discursive constructions of women, gender, sexuality, and class in nineteenth-century Britain. Defending the Acts and advocating for their proliferation were the extentionists. Arguing against the Acts and seeking to overturn the legislation were the repealers. The two groups battled to claim the right to define the terms of their debate by publishing vast amounts of texts in which they argued for their respective points of view. In this chapter, I will argue that the repealers, extentionists, and the authors of the Contagious Diseases Acts constructed women – in particular working-class women – through the texts and discourses they produced. In particular, I will explore the relationships the Acts, the extentionists, and the repealers set up between women and disease, women and other women, women and men, and women and the state. I will use Michel Foucault's discourse analysis from his study *History of Sexuality* and Linda Alcoff's concept of positionality from her article "Cultural Feminism versus Post-Structuralism: The Identity Crisis in Feminist Theory" to examine the constructions and representations of women.

### Methodology

Foucault's discourse analysis and Alcoff's positionality will inform my examination of the Contagious Diseases Acts, as well as a number of texts produced by the extentionists and the repealers. The texts I will analyze include speeches, petitions, circulars, essays and newspaper articles produced by the extentionists, repealers, and members of parliament concerning the CD

Acts. I will examine the texts as sites where gender and sexuality were negotiated by competing political groups; each group battled to claim the power to define the terms of their debate.

Foucault's discourse analysis posits that by "transforming sex into discourse," behavior can be translated into language (Foucault, 20). In their debates about the Contagious Diseases Acts, the extentionists and the repealers turned sexual acts into discourse in writing about the Acts, women, and prostitution. Each group asserted their definitions of gender and sexuality. In effect, defining the language of the debate around the Acts would allow the repealers or extentionists to claim "new rules for the game of powers and pleasures" (Foucault, 48). The rules of the game shaped the way the Acts would play out in the social world on the bodies of women.

Both the repealers and the extentionists had a lot at stake in their battle to assert dominant definitions of gender and sexuality. When the Acts were implemented, the framers of the Acts and the extentionists had views that aligned with the dominant cultural narratives pertaining to gender. They spoke from places of immense power: government, the military, and the medical profession, for instance. If the repealers won this war of words, extentionists would have to relinquish total power over particular bodies and lose the political control that came with owning the hegemonic discourse. Meanwhile, repealers saw the way in which all women would be effected by the Acts. The most obvious effects of the Acts played out on the bodies of working-class women, but the definitions of womanhood and sexuality they established would also inevitably shape the experience of middle-class women. All women's political futures were implicated in these struggles. The result of this battle of discourses was "a multiplicity of discourses produced by a whole series of mechanisms operating in different institutions"

(Foucault, 33). Each discourse laid claim to the ultimate definition of women, gender, and sexuality.

In addition to Foucault's discourse analysis, I will turn to Alcoff's concept of positionality to address the political strategies the repealers employed. Repealers were attempting to assert new definitions of women, gender and sexuality; their definitions did not align with the already held beliefs of the culture, so they had to fight an uphill battle to gain recognition. Their politics involved organizing around their identity as women, acknowledging that as a group, women were disadvantaged in society. Middle-class repealers attempted to form a cross-class alliance, advocating for their working-class "sisters" as they battled the extensionists' discursive constructions. In this way, the repealers used "the position that women find themselves in...as a location for the construction of meaning, a place from where meaning is constructed, rather than simply the place where meaning can be discovered" (Alcoff, 434). Organizing for women, from the standpoint of women, the repealers constructed meanings from their particular social location. Although the middle-class repealers occupied a different space in the social world than their working-class counterparts, they nevertheless built a coalition of women to organize around.

In addition to Foucault and Alcoff, I will use Judith Walkowitz's *Prostitution and Victorian Society: Women, Class, and the State* and Lynda Nead's *Myths of Sexuality: Representations of Women in Victorian Britain* for historical background and as a model for the application of my theory and methodology. I will use Walkowitz's in-depth study of the Contagious Diseases Acts and the historic moment they were grounded in to contextualize my argument. In addition, Walkowitz bridges discourse analysis and positionality within her study. I



will seek to model my own analysis after hers. Nead also provides historical background which I make use of in my argument. The amalgamation of the works of Foucault, Alcoff, Walkowitz, and Nead will shape my discussion of the ways texts produced by the repealers, the extentionists, and the authors of the CD Acts constructed women's relationship with disease, women's relationship with other women, women's relationship with men, and women's relationship with the state.

### **Women's Relationship with Disease**

The framers of the CD Acts, the extentionists, and the repealers constructed a distinctive relationship between women and disease. Many of the texts they produced that sought to frame this relationship engaged with medical discourse specifically. Foucault notes that the nineteenth-century saw a wide proliferation of medical discourses on sexuality of all kinds – including that of the “sexual peculiar” (Foucault, 44). Prostitution was certainly considered to be under the umbrella of the “peculiar,” as at the time, the “legitimate and procreative couple laid down the law. The couple imposed itself as a model, enforced the norm,” and was strictly monogamous (Foucault, 3). Prostitutes were seen in opposition to the legitimate and procreative couple, particularly as they were disruptive to monogamy. As peculiar and threatening sexual beings, prostitutes were medicalized by authorities seeking to understand and control their behavior. The “medicalization of the sexually peculiar” was “imbedded in bodies, becoming deeply characteristic of individuals” (Foucault, 44). Through medical discourse, prostitution became not only a profession, but also a condition which constituted a woman's entire personhood.

Prostitutes were pathologized, and in so doing, they were separated off from the larger group of “women” and segmented into a diseased subgroup. Once partitioned off from wider society, the diseased subgroup could be controlled and contained by medical authorities.

Since the prostitute, as a dangerously sexual being, was seen as a pathology, “one had to try and detect it” as one would detect “a lesion, a dysfunction, or a symptom – in the depths of the organism, or on the surface of the skin, or among all the signs of behavior” (Foucault, 44). The Contagious Diseases Acts were deeply engaged in detecting diseased and pathologized individuals. The seeking out, containment, fear, and categorization of disease can be clearly seen in the CD Acts as well as the texts produced by extensionists and repealers.

## **The Acts**

Section 13 of the Contagious Diseases Act of 1864 set up women, specifically, as vectors of disease. As the primary source of disease, the Acts framed women who were thought to be prostitutes as dangerous, and the need to control them was seen as urgent in order to prevent them from passing infection on to others. Section 13 details what is to be done once a woman has been instructed by a judge to submit to an examination to determine if she has venereal disease. A police officer is given a warrant to “apprehend such woman, and to convey her with all practicable speed to the hospital therein named, and for the authorities of the hospital to cause her to be examined...for the purpose of ascertaining whether or not she has a contagious disease” (Parliament, 197). The language “apprehend such woman” and “convey her with all practicable speed” underscores the urgency of detaining the prostitute as a potentially diseased body.

Additionally, the choice of the phrase “cause her to be examined” framed the woman as an object to be examined by a subjective (male) inspector. Instead of asking a woman to submit to an examination or encouraging her to comply, the wording “cause her” implies the examination is involuntary and carried out against the woman’s will. Section 13 continues to instruct hospital authorities “to detain her in the hospital for twenty-four hours from the time of her being brought there” (Parliament, 197). The detainment of women for twenty-four hours gave the examiners time to determine the level of threat a woman posed. As a diseased body with the capability to wreak havoc, the Acts dictated that women should be quarantined and closely examined.

Even if women were found to be free of disease on inspection, having being brought under the Acts marked them as potential threats from there onward. To closely monitor their bodies, women would be required to attend fortnightly vaginal examinations. If found to be infected with venereal disease at these examinations, women would be sent to a lock hospital in order to keep them separate from the “uninfected” section of society. Here they could be subjected to constant surveillance, inspection, and medical treatment for up to nine months. The understanding of venereal disease was not comprehensive, and penicillin had not yet been invented. Thus, treatment in lock wards would not cure women of venereal disease. If the physical symptoms were relieved, she may have been pronounced ‘clean,’ but it is unlikely that any women were truly cured through the treatment she received at the hands of lock hospital staff. If the nine-month mark came before women were perceived to be cured, they would be given a notice informing them that they were still considered diseased and dangerous to society writ large. In Section R, from the second schedule of the Act of 1869, a template for this notice was included: “*Notice to Woman leaving Hospital...* To A.B. As you are now leaving this

hospital, I hereby, in pursuance of the above-mentioned acts, give you notice that you are still affected with a contagious disease” (Parliament, 400). As women receiving this notice had been marked as still carrying disease, they were considered particularly threatening, as they could roam the streets as diseased bodies.

Section 31 bolstered the level of control the state could exert over the women who had been discharged from hospital while they were still infected. The section dictated that if a diseased woman was found to be working as a prostitute, “she shall be guilty of an offense against this act, and...shall be liable to be imprisoned, with or without hard labor” (Parliament, 79-80). Women who were already identified as disease carriers who were found co-mingling with the public as prostitutes crossed the threshold from potential threats to public health to actual threats. Section 31 permitted women found in such a predicament to be imprisoned. Prisons could then act as an institution in which to quarantine women, and were also able to treat women for venereal disease. In this way, prisons became lock hospitals of last resort.

### **Extentionists**

The extensionists picked up where the acts left off: framing women brought under the Acts - or women they believed should be brought under the acts - as ticking time bombs of infectious diseases. Extentionists argued that the Contagious Diseases Acts sought to quell the spread of contagion by quarantining women known to have disease, and regulating women in public who were deemed to be most susceptible to infection: prostitutes. Two arguments often surfaced: firstly, allowing diseased women to roam free, extentionists claimed, would bring

about the demise of innocent men, women and children. Secondly, extentionists posited that the nature of disease was its ability to spread. If all prostitutes were not brought under the Acts, it was thought that venereal diseases would spread from unregulated areas into the subjected districts.

William Jenner was the president of the Epidemiological Society when he addressed the same society on the Contagious Diseases Acts in 1866. His speech was published and circulated by the Association for the Extension of the Contagious Diseases Acts under the title, “Extract from the Opening Address to The Epidemiological Society, November 1866, by the President, William Jenner, M.D. F.R.S., Physician in Ordinary to Her Majesty the Queen &c.” In his speech, he did not mention the word “prostitute” once, but rather referred to sex workers directly as a disease – in particular, syphilis. Though syphilis was not as widespread as gonorrhea at the time, the more severe nature of syphilis made for a more dramatic and persuasive speech. For this reason, many extentionists chose to focus on primarily on syphilis in their texts and speeches. Jenner lamented that syphilis was a preventable disease, but nevertheless was spread by women infected with it. He mourned “the frequency with which cases of liver disease, of so-called consumption, of kidney disease, and of brain disease, [are] referable directly to Syphilis” (Jenner, 1). The contagious nature of syphilis was not solely dangerous due to its own detrimental effects on the body, but could also, according to Jenner, transform into a variety of other severe diseases. Like many other repealers, Jenner also referred to the hereditary nature of Syphilis by bringing up “cases of so-called scrofulous disease in the child,” which he claimed “are due to inherited Syphilis [which] becomes daily more apparent” (Jenner, 1). Women, as supposedly naturally maternal creatures, were constructed as particularly evil when the

responsibility for the suffering of children was placed on them. Jenner also raised the threat of virtuous women becoming victims of diseased women when their husbands contracted, then passed on, syphilis from prostitutes to their wives, which in turn appeared in their children. What was the end of this bodily exchange of disease, according to Jenner? “Death - death to the contractor of the disease, death to his offspring” (Jenner, 1). The infected men died due to the disease they succumbed to via prostitutes’ bodies, and their wives and children eventually suffered due to the same women.

The British Medical Journal published an article entitled “The Contagious Diseases Acts: A Contrast.” In the article, the journal continues Jenner’s construction of prostitutes themselves as disease. The editors of the journal write: “Much disease is imported from women who migrate into the protected districts from other parts of the country where no preventive sanitary regulations are in force” (British Medical Journal, 1). The journal argues that women from districts not under the CD Acts migrated into the subjected districts, and before they were brought under the Acts, spread disease to the men in the subjected area. So, women not only transmit disease to men who seek them out, but go so far as to infiltrate and infect the populations they migrate to. The journal cites as proof: “In 1878, 664 women, coming immediately from places not under the acts into the districts where the acts are in force, were examined for the first time, and 437, or nearly 66 per cent., were then found diseased” (British Medical Journal, 1). The depiction of hundreds of diseased women migrating into “clean” areas constructed women as a virus, feeding upon what they could before moving on to fresh, uninfected bodies. The journal argues that extending the CD Acts to all of Britain would solve this problem. Many other extensionists agreed that one of the main reasons to extend the Acts to

all of Britain was to stop infected women from infiltrating garrison towns and spreading venereal diseases to the military men therein.

## Repealers

The repealers protested against the way the Acts and the extensionists treated venereal disease as any other contagious illness, arguing that sexually transmitted diseases were of a different nature. They posited that the diseases were primarily moral, rather than physical, in their nature. Thus, quarantining prostitutes thought to have venereal disease in the same way patients with other forms of contagious diseases were would be ineffective. In addition, the repealers asserted that the blame for the immoral nature of venereal disease belonged just as much with men as with women.

The Ladies' National Association (LNA) published what became known as "The Ladies' Protest" in *The Times* on New Year's Day in 1870. In their protest, the LNA spelled out, point by point, the reasons they opposed the CD Acts. One line of reasoning reflected their belief regarding the relationship between women and disease. The LNA asserted that "the conditions of this disease, in the first instance, are moral, not physical" (LNA, 162). They argued that the moral origin of venereal disease "separates the case entirely from that of the plague, or any other scourges, which have been placed under police control or sanitary care" (LNA, 162). Rather, the proper way forward "before rushing into the experiment of legalizing a revolting vice, was to try to deal with the causes of evil, and we dare to believe that, with wiser teaching and more capable legislation, those causes would not be beyond control" (LNA, 162). The LNA disrupted the

extentionists' view of venereal disease as a flaw to be dealt with in a physical manner, in a similar fashion to other contagious diseases. Rather, they framed the primary cause of venereal disease as moral. Thus, the treatment of venereal disease, the LNA forwarded, must be focused primarily on teaching morality, not legislating sanitary or other kinds of treatment. However, the LNA did not accuse women as the sole participants in an immoral system. They held men accountable for the spread of disease as well as women, challenging the conception of women as the sole carriers of infection.

Elizabeth Blackwell, one of the few female doctors in Britain at the time, addressed rescue workers in her speech "Rescue Work in Prostitution and Disease." In her speech, she admitted that contagious diseases did arise from the promiscuity inherent in the trade of prostitution; however, she voiced a much more sympathetic view towards women who went into prostitution, and held men accountable for the spread of disease as well. Blackwell explained that the inevitable passage of contagion to every man and woman involved in prostitution was due to "the chief originations cause of disease - vis., promiscuity" (Blackwell, 104). Blackwell believed that promiscuity did not just cause the passage of disease from one person to another; but also, it "contains in itself the faculty of originating venereal disease" (Blackwell, 104). However, Blackwell pointed out that promiscuity was not driven by one gender only; venereal disease did not occur without the "promiscuous intercourse of men and women" (Blackwell, 104). Thus, if legislation only targeted women, it would not effectively tackle promiscuity.

Nevertheless, Blackwell believed that "legislation *is* needed on the subject" of prostitution. She believed that "there is a right way as well as a wrong way of dealing with venereal disease." The Contagious Diseases Acts were the "wrong way" because they were



based on “injustice and immorality.” Blackwell advocated for laws which “must be based upon two fundamental principles – the principles, viz., of equal justice, and respect for individual rights. These principles are both overturned in the Contagious Diseases Acts” (Blackwell, 105). Blackwell’s argument for the regulation of prostitutes in the “right” way demonstrated the shortcomings of some middle-class repealers’ understandings of class differences. Middle-class and working-class women had very different social realities to contend with. Many working-class women entered prostitution temporarily for economic reasons; prostitution was much more lucrative than the other, limited professions open to working-class women. Additionally, working-class men and women often lived together without formally marrying, and while in their communities their living arrangement was seen as marriage, it violated middle-class norms. All of this is to say that Blackwell’s call to regulate prostitution, even if rooted in ideals that cared more about women’s right than the Acts or extensionists, still remained complicit in ideologies which could harm working-class women. Alcoff notes that “the concept of woman is a relational term identifiable only within a (constantly moving) context” (Alcoff, 434). The context working-class women were situated in was very different from that of middle-class women. Blackwell’s advocacy demonstrated a common positionality with working-class women in terms of their gender, but their class differences set them apart in ways that Blackwell may not have empathized with. Blackwell’s support for working-class women was not insignificant; she understood to some extent the economic rationale for prostitution, and called upon rescue workers to have “sympathy for the individual human soul shown in the merciful endeavor to help every woman to leave this vile traffic” (Blackwell, 108). She also held men equally accountable

for the spread of disease. At the same time, the limitations of the cross-class alliance between middle- and working-class women can be seen through her conditional advocacy.

All in all, the relationship between women and disease was constructed through a variety of discourses by the Acts, the extentionists, and the repealers. The Acts imbued the contagious nature of prostitutes' bodies with a sense of urgency; they legislated for the containment, quarantining, and constant surveillance of prostitutes as potential infectors. The extentionists argued that prostitutes would spread disease to innocent men, women and children. They also argued that the extension of the Acts to the entirety of Britain was necessary, or else disease would spread from unregulated areas into the subjected districts. Repealers posited that venereal disease was moral in its nature, before physical; consequentially, treating prostitutes as any other physical plague was ineffective. They advocated for moral training before physical treatment. Additionally, repealers asserted that men were just as much to blame for the spread of disease as women; treating men and women differently in regard to disease was not only morally wrong, but also made the Acts futile.

### **Women's Relationship with other Women**

Foucault claims, "sex is placed by power in a binary system: licit and illicit, permitted and forbidden" (Foucault, 83). The Contagious Diseases Acts, the repealers, and the extentionists constructed women's relationship with other women in a binary system. In *Myths of Sexuality: Representations of Women in Victorian Britain*, Lynda Nead points to a particularly salient binary sexuality was placed into in the nineteenth-century: the dichotomy of the virgin/whore. Each of the two identities was defined in relation to men's sexuality. If a woman was regarded as

tempting men into a lack of sexual control, she was a whore. If she aided the control of his sexual urge, she was a virgin. The difference between the whore and the virgin “were defined and redefined in an attempt to create clear moral boundaries and to prevent any possibility of confusion” (Nead, 6). The moral boundaries set up by the virgin/whore dichotomy were mapped on to class, so that a “generalized notion of female respectability” became “the bourgeois lady’s (a)sexuality,” whereas “the imagined excess passion and sexual deviancy” was assigned to “the women of the undeserving poor” (Nead, 7). The virgin/whore dichotomy went hand-in-hand with the presumed roles of the ideal woman in the nineteenth-century, which Nead describes as “duty, fulfilment and moral purity.” These values “were commonly associated with respectable femininity,” and, further, “virgin” moral femininity (Nead, 12). None of these traits were true of the “whores.” The whore/virgin dichotomy appears frequently in the CD Acts and the texts of the repealers and extensionists, with working-class prostitutes the “whores” and virtuous middle-class “ladies” the “virgins.”

## **The Acts**

Section 12 of the 1866 Act, entitled “*Provision for moral and religious instruction*,” contributed to the construction of two separate groups of women. Section 12 mandated that hospitals provide for the “moral and religious instruction of women detained therein” (Parliament, 73). Hospitals had to contain a moral and religious element to their treatment regimes in order to be certified by the state. In *Prostitution and Victorian Society: Women, Class, and the State*, Judith Walkowitz examines the implementation of moral education in the Royal

Albert Hospital, which was considered to be one of the best venereal disease wards. She claims that the lock wards became “the center of a new moral regime. The hospital declared in its annual meeting in 1872 that the women’s confinement in the hospital represented an ‘opportunity given during a necessary period of seclusion, for the encouragement of religious and moral influence, too often treated as the hopeless outcasts of society’” (Walkowitz, 220). The “hopeless outcasts of society” – the “whores” – could be transformed into “virgins” through targeting morality in hospitals, or so the logic went. The idea that immoral women could be taught to be moral in the hospitals implies that these were the two identities open to women, and individuals could only be a member of one of the two groups. At the same time, section 12 also assumes that women can change their behavior, which challenges the idea that prostitutes are inherently and only evil. Rather, if prostitutes gave up their way of life and returned to normative, dominant understandings of how women should behave, they could be “saved.” The extentionists and repealers engaged with this argument in a variety of ways.

### **Extentionists**

Extentionists constructed two main relationships between working-class prostitutes and middle-class “ladies.” Firstly, middle-class ladies were seen as a positive influence on working-class women; the Acts were constructed as an opportunity to bring the two sets of women together so that middle-class women could teach prostitutes a better way of life. Secondly, similar to constructions of women’s relationship with disease, working-class prostitutes were seen as dangerous to middle-class women.

W. Barcroft, an avid extensionist, directly draws upon section 12 in his essay “The Contagious Diseases Acts: Shall Their Repeal Be Admitted? An Appeal to the Common-sense of Englishmen,” which he privately published for circulation. In his essay, he succinctly sets up a relationship between “virgin” middle-class women and “whores,” working-class women brought under the CD Acts. He writes, “the Acts provide that no hospital shall be certified for the treatment of these cases unless ‘adequate provision of is made for the moral and religious instruction of the women detained therein’” (Barcroft, 9). He believed the room left open for interpretation as to what form the instruction could take was “wise,” because that way patients did not have to depend upon hospital staff “who might or might not be competent for a task of so much difficulty, requiring devotion, tact, experience, patience, purity, and, above all, loving sympathy” (Barcroft, 10). Instead, Barcroft posited that women in lock hospitals could be taught “by benevolent ladies, who are especially qualified to deal with their own sex, but can rarely and with difficulty follow these women into their abodes of vice, or get a hearing from them if they do” (Barcroft, 10). The “benevolent ladies” Barcroft mentions were clearly middle-class women; in fact, the traits of “devotion, tact, experience, patience, purity, and, above all, loving sympathy” are easily associated with the ideal, virginal women Nead defined. The women within the hospital, however, were clearly framed as lacking such delicate characteristics. Barcroft believed the Acts provided a way for middle-class women to reach a lower class of their own gender in a way they could not were they left in “their abodes of vice.” Such abodes of vice could have been a referral to brothels, but also to working-class areas in general.

In nineteenth-century Britain there was a common perception among the middle-class that the working-class poor were sinful, living in dirty ways both literally and figuratively.

Often, the narratives around the working-class poor coalesced with imperialist rhetoric. The Acts operated in almost all of the British colonies, so there was an imperialist element to the Acts from their beginnings. The working-class poor was frequently compared to the “savages” in colonial settings, in need of “civilizing” by the middle-class – such as the middle-class “ladies” who could teach prostitutes how to better themselves in hospitals. In *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*, Walkowitz claims that working-class neighborhoods were framed as “cityscape[s] of dirty, crowded, disorganized clusters of urban villages, each with its own peculiar flavor and eccentricity, where the Great Unwashed lived in chaotic alleys, courts, and hovels just off the grand thoroughfares” (Walkowitz, 18). Thus, when Barcroft invokes the prostitutes’ “abodes of vice,” he could have been describing the construction of working-class areas as filthy “chaotic alleys, courts, and hovels” just as much as he may have been referring to brothels specifically. He applauds the Acts for bringing immoral women out from their savage-like existence into the arms of middle-class ladies who could educate and civilize them. From this perspective, prostitutes were seen as women who could be bettered; but as in colonial settings, they also fall below the colonists (or, domestically, the middle-class) in the hierarchy of power and privilege. Thus, Barcroft opens up the possibility of bettering prostitutes while still ensuring that they would not gain enough power to threaten the hegemonic understandings of class.

Robert Barnes, in a published opinion entitled “Opinion of Robert Barnes, Esq. M.D. Lond., Fellow of the Royal College of Physicians; Ex-President of the Obstetrical Society of London; Obstetric Physician to St. Thomas’s Hospital; Examiner in Midwifery at the Royal College of Surgeons, &c.” had a very different take on the relationship between working-class

and middle-class women. He constructed working-class prostitutes as a potentially fatal danger to middle-class mothers. Describing how syphilis (passed from prostitute to middle-class man to his wife) impacts pregnant women and their children, he recalls, “in my own experience I very frequently witness abortions, premature labor, and dead-born children from this cause, the mothers being deeply, sometimes irreparably injured in health” (Barnes, 1). Barnes claims that due to the actions of prostitutes, morally superior women suffer injury in childbirth (skipping conveniently over the men in between the two sets of women). He also laments the children born with inherited syphilis, if they have the good fortune of being born alive. If they are not miscarried or still-born, Barnes warns, “I frequently see births of hydrocephalic, or strumous children, and of children bearing evidence of Syphilitic poison. Many of these children succumb in infancy, others drag on a wretched existence” (Barnes, 1). At best, children live a tortured life; at worst, they die young. Barnes constructs “innocent” women and children as tragic victims of disease inflicted on them by the deeds of other evil women. In his argument, the virgin/whore dichotomy is also accompanied by the binaries of good/evil, victim/villain, and moral/immoral – cleanly slicing the two groups of women Barnes sees in the CD Acts equation into two oppositional groups. Barnes does not engage with the narrative that women can be “saved” from their life as prostitutes; rather, he subscribes to the notion that prostitutes are inherently evil.

## **Repealers**

Josephine Butler, the leader of the Ladies National Association (LNA), became well known for her rallying cries against the dichotomy between working-class and middle-class

women that the Acts and the extensionists attempted to set up. She did see and acknowledge differences between women of different classes, but maintained that all women must work together to defeat the Acts, as *all* women, regardless of class, were endangered by the legislation.

In Butler's circular, "Letter to my Countrywomen, Dwelling in the Farmsteads and Cottages of England," she rejects the notion that the CD Acts protect one group of women by controlling another. Rather, she illustrates the way in which all women are made vulnerable by the Acts by describing the wide discretionary powers of police in determining who is or is not a prostitute. She asserts that the reasoning given by officers as to why they picked women up tended to be based on vague behaviors rather than on solid evidence. Some examples include "one [who] said that the police suspected a woman who was 'larking' about the street, and talking to men," and another woman who was "out late in the evening." A surgeon interviewed in a hearing on the same subject remarked: "the ground of suspicion was more a question as to mannerism than anything else" (Butler, 155). Due to the policemen's vague descriptions of women's behavior, Butler asks if there is any behavior that could not be labeled as suspicious: "if to be out of doors alone at night, or to be seen talking to men in the streets, is to be looked upon as a sign of bad character, and to give a policeman the right to accuse a girl of prostitution, what woman will not fear to leave her house after dark, or to exchange a greeting with a friend?" (Butler, 155). In addition to the possibility that innocent women could be brought under the acts, Butler asserted that the CD acts could lay the groundwork for the exploitation of all women. She asks, "if the oath of one policeman is enough to condemn a girl, how will she be safe even in her own house? For supposing that a policeman has a spite against her, or any of her people, what is there to prevent his accusing her falsely, since he cannot be punished, even if the accusation be



proved false?” (Butler, 155). Here, Butler posits that by giving police officers the right to accuse and condemn any woman, the abuse of police power is a looming threat. She believes similar abuses could be brought upon a woman by any man who is angry at her, wants to have sex with her, or wants money from her.

Butler specifically addresses middle-class women in this letter. The Acts were clearly targeted at districts with working-class populations. However, Butler raises the possibility of middle-class women being brought under the Acts due to the wide powers policemen and all men could exploit. Thus, Butler argues that the CD acts open up room for a plethora of dangerous and unjust actions by all men against all women. In so doing, she challenges the dichotomous discourse forwarded by the Acts and extensionists, and opens up space for an alliance of women cutting across class. Indeed, Butler’s political organizing against the CD Acts primarily rested upon the notion that all women must organize as a group to defeat the distinctly patriarchal Acts, in order for their position as women to be “actively utilized (rather than transcended) as a location for the construction of meaning” (Alcoff, 434). Advocating for middle-class women to recognize their shared struggle with working-class women, Butler defies the virgin/whore binary that the Acts and the extensionists emphasized. In addition, Butler does not engage with the idea that prostitutes are inherently evil or bad; by comparing the plight of working-class women to that of middle-class women, she humanizes prostitutes as women who are not entirely different to women like herself.

The Contagious Diseases Acts required that women in lock hospitals be treated with moral and religious training alongside their physical treatment. In so doing, the Acts set up the existence of moral and immoral women; immoral women in the hospital could potentially

become moral through training and treatment. The extentionists doubled down on the divide between two separate groups of women, encouraging middle-class “virgins” to “civilize” working-class “whores” and constructing working-class prostitutes as dangerous to the well-being of middle-class ladies. Repealers such as Josephine Butler attempted to defy the dichotomous categorization of women by bringing together a cross-class alliance of repealers, emphasizing the ways in which middle-class *and* working-class women were endangered by the Acts.

### **Women’s Relationship with Men**

The CD Acts thoroughly brought women under the control of a variety of men, and set up relationships between women and men on a wider scale. The construction of such a relationship involved numerous male-dominated institutions working with each other, demonstrating the way that discourses “were interlocking, hierarchized, and all highly articulated around a cluster of power relations” (Foucault, 30). Medical, legal, and criminal justice discourses “clustered” together in order to control women’s bodies. Extentionists argued that controlling prostitutes was necessary, as they corrupted men by tempting them into sexual activity that women “naturally” were supposed to help restrain. Meanwhile, repealers rallied against what they saw as an oppressive, unequal, and unjust system that put all women at the risk of all men.

## The Acts

The CD Acts thoroughly brought women under the control of a variety of men and male-controlled institutions. The passage of her body from man to man is narrated through the Acts. For instance, take the act of 1864. Section 11 dictates that “on information, a justice may issue to woman named in information a notice” (Parliament, 196). Magistrates and justices were always men. The woman “named in information” would then, under section 12, be “served notice” by a “constable or other peace officer,” all of whom were male (Parliament, 196-197). At this point, “a justice may order medical examination at a certified hospital,” and the constable or peace officer was ordered to take the woman to the hospital (Parliament, 197). Once at the hospital, an examiner (again, invariably male) inspected a woman for venereal disease. If she was found to have a disease, “the justice may, if he thinks fit, order the authorities of such hospital to detain such woman in the hospital for medical treatment until discharged by such authorities” (Parliament, 197). If a woman refused to be examined or comply with the medical treatment in the hospital, she would “be guilty of an offence against this act, and on summary conviction...shall be liable to imprisonment” (Parliament, 198). The magistrates and authorities at the prison can also be assumed to be male. In the 1886 act, section 16 adds that a justice may “order that the woman be subject to a periodical medical examination by the visiting surgeon for any period not exceeding one year, for the purpose of ascertaining at the time of each such examination whether she is affected with a contagious disease” (Parliament, 75). The periodic examinations would continue men’s control over women on an out-patient basis, as the examiner was always male. Thus, once a woman was brought under the Acts, she was simultaneously brought under the nexus of male control in a variety of settings. Passed from legal justices to law

enforcement officials to medical authorities to prison wardens, she was thoroughly trapped within male-controlled institutions.

### **Extentionists**

Extentionists often made an argument that prostitutes tempted men into committing sin, and in so doing lured out men's "naturally" uncontrollable sex drive. William Acton, a well-known surgeon, made such an argument in his study "Prostitution Considered in Its Moral, Social, and Sanitary Aspects in London and other Large Cities." In his study, Acton crafted a narrative of the way in which prostitutes defile men's understanding of women. He begins by asserting that "the sexual passion is strong in every man," but goes on to explain that "it is strong in proportion as it is encouraged or restrained" (Acton, 43). Acton writes that prostitutes tempt men to exercise their natural sexual passion, which, without being seduced by these women, would remain under control. He continues, "the prostitute is a sad burlesque of a woman, presenting herself as an object of lust instead of an object of honorable love – a source of base gratification, instead of a reason for self-restraint" (Acton, 43). The consequence of exposing men to prostitutes lies in "familiarising man with this aspect of women till he can see no other" (Acton, 43). Acton explains that the more men are tempted by prostitutes, the less restraint they are capable of. Instead, he learns only to use women for his sexual gratification, "to make, if possible, of every woman the thing that he desires - a toy, a plaything, an animated doll; a thing to wear like a glove, and fling away; to use like a horse, and send to the knackers when worn out; the mere object of his fancy and servant of his appetite" (Acton, 43). Once prostitutes have made

men see women as objects, they can no longer see women as they, according to Acton, should be seen: “an immortal being, composed, like himself, of body, soul and spirit - his associate and consort, endowed with memory and hope and strong affections, with a heart to love, to feed, to suffer; man’s highest prize and surest safeguard; the inspirer of honest love and manly exertion” (Acton, 43). Acton constructs prostitutes as dangerous because they cause men to completely change their perception of what women are, and lead to the brutalization of the union between the sexes.

## **Repealers**

Repealers consistently argued that the CD Acts created an unequal and unjust relationship between men and women, whereby women were held solely accountable for diseases which inherently involve both men and women. One petition, addressed to “the Honorable the Commons of Great Britain and Ireland, in Parliament Assembled,” signed by 600,000 repealers, jumped straight to the heart of the problematic relationship the CD Acts constructed around gender. It asserts that the Acts “are essentially unjust, as their action is wholly confined to women, whom they deprive of legal safeguards hitherto enjoyed by them in common with men” (n.p.). Another petition, addressed to the same recipients, states that as well as abolishing the Acts, “your Petitioners further pray that your Honourable House will not again legislate, in any form whatsoever, for the same object; nor seek in any way to deal with the evils of prostitution, unless by laws which are equal and just towards both sexes” (n.p.). Both petitions lay out one of the most important arguments the repealers made time and time again: the CD Acts violated only

the rights of women, while leaving men unscathed. While a sanitary argument was made arguing that a system applying only to women was ineffective, these petitions highlight a different argument: the Acts were unfair, unequal, and unjust to only one gender. Their argument was complicated by the reality that women did not yet have the right to vote; so in the eyes of the law, women were not equal to men during the passage of the Acts. Due to the situation of women in this historical moment, the repealers' protest against a law that treated men and women unequally was a bold request. Within an eleven-year period, 10,270 petitions were sent to parliament opposing the CD Acts, with a total of 2,011,825 signatures (Hamilton, 24). The argument against the unequal treatment of men and women featured frequently in this vast amount of petitions, sending a clear and unrelenting message to parliament that the construction of the genders as unequal was unacceptable to the repealers.

Josephine Butler often used a specific quote from a working-class woman in her testimonies before court and her letters to supporters of the LNA when she wished to invoke the argument against the unequal treatment of genders by the CD Acts. Butler recalls the woman telling her:

It is men, 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 hands 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 had up before magistrates who are men, and we never get out of the hands of men till we die!

Butler adds: “and it was a Parliament of men only who made this law which treats you as an outlaw. Men alone met in committee over it. Men alone are the executives” (Butler, n.p.). Butler shows through this testimony the way in which male-controlled discourses “were interlocking”

and “hierarchized” (Foucault, 30). When a woman was brought under the CD Acts, she was brought under a nexus of overlapping discourses constructed by men to control her as a transgressive woman. A woman’s foray into prostitution involved catering to male demands for sex; policemen used the legal discourse of the Acts and the criminal justice discourse of their profession to apprehend her; male doctors engaged with medical discourse to examine and treat her; in hospital, religious discourses were invoked to give her moral training; and magistrates engaged with legal discourse to command her to submit to the Acts. Butler adds that the CD Acts were made by men in parliament, defining the terms of legal discourse without the input of women. Highlighting the way that women alone suffer at the hands of a system that is completely controlled by men, Butler made a strong argument against the unjust and gendered nature of the Contagious Diseases Acts. She pointed out that once a woman was brought under the Acts, the nexus of male-controlled discourses and material consequences was virtually inescapable. Butler’s use of this testimony is an example of how she organized women *as* women in order that they could “use their positional perspective as a place from which values are interpreted and constructed rather than as a locus of an already determined set of values” (Alcoff, 434). By pointing out the male-defined and male-controlled values of the CD Acts, Butler interpreted the Acts as unjust to women and protested against the “already determined set of values.” Emphasizing the cruel way women are singularly effected by the Acts, Butler opened up space for the negotiation and construction of new values by women.

The Contagious Diseases Acts created a system which subjected women to a nexus of control by bringing prostitutes into a network of overlapping, male-dominated discourses. The extensionists applauded the control of prostitutes, arguing that when left to their own devices,

these women warp men's sexuality and put all women at risk by doing so. Repealers spoke out against the way the Acts dictated differential treatment for men and women, asserting that women were treated unfairly and unjustly under the legislation.

### **Women's Relationship with the State**

Lastly, the discourse around the CD Acts constructed a relationship between women and the state. Foucault notes that the state was intimately involved with the assertion of power over certain sexualities and bodies. From the eighteenth-century, the state had treated sexuality as a site of "public interest... in such a way that discourse on sex...became essential" (Foucault, 23). The CD Acts evidenced very clearly that the state did see sexuality as essential. Rather than abolish prostitution, the Acts existed to regulate prostitutes, to both control the trade *and* to ensure its continuation. For, the nineteenth-century saw the height of British imperialism. The military, tasked with protecting the British empire, was immense. Due to conventional wisdom at the time, most military men were single; marriage was thought to divide a man's loyalty. Nevertheless, men's allegedly uncontrollable sexuality required an outlet, thus the sexual availability of prostitutes at all times was deemed crucial. However, conventional wisdom *also* warned that empires fall due to sexual immorality; this was the reason the British believed Rome had fallen, and with political unrest in other empires nearby, they were on high alert. Who was thought to be the most sexually immoral figure in nineteenth-century Britain? The prostitute. Hence, prostitutes were both required for men in the military to function, and thereby required for the empire to remain intact, *and* the reason that the empire could fall. The CD Acts resolved this contradiction by allowing prostitutes to continue catering to the military while strictly



regulating their activity and keeping them under constant state surveillance. Therefore, prostitution became something the state had “to speak of it as of a thing to be not simply condemned or tolerated but managed, inserted into systems of utility, regulated for the greater good of all, made to function according to an optimum. Sex was not something one simply judged; it was a thing on administered. It was in the nature of public potential; it called for management procedures; it had to be taken charge of by analytical discourses” (Foucault, 24). The necessity and urgency of deploying prostitutes in a specific, carefully monitored fashion for the greater good of the state can be seen through the way in which the Acts were funded and executed.

### **The Acts**

Section 4 of the 1864 Act, entitled “provisions as to expenses of the Act,” details who would pay for the execution of the Contagious Diseases Acts. It stated that the expenses would be paid for “under the direction of the Lord High Admiral of the United Kingdom or the commissioners for executing his office (hereafter in this act styled the Admiralty) as well as one of the “principal secretaries of state... to intrust with the seals of the War Department (hereafter in this act styled the Secretary of State for War), out of money provided by Parliament for the purpose” (Parliament, 195). The payment and execution of the Act lay with the Admiralty, the War Office, and Parliament – three important arms of the state. These three organizations illustrate that the acts were both built for and by the military and the central government of Britain. Clearly, the regulation of prostitutes (and the diseases they were thought to have) was considered important for the health of the state and the empire.

The interest military and state authorities had in regulating prostitution is intrinsically tied to the maintenance of the British empire. In her study *Prostitution, Race, and Politics: Policing Venereal in the British Empire*, Philippa Levine discusses the functioning of the Contagious Diseases Acts in colonial sites. She asserts that venereal disease was framed as a threat to the entire empire: “since VD rates in colonial settings were often higher, in part because the white community in the empire was predominantly male - and often military and unmarried - the issue came to have significant imperial overtones. The spread of disease was potentially ruinous to Britain’s powerful empire” (Levine, 2). Domestically, ideologies surrounding colonial prostitutes were imported and mapped on to the bodies of working-class prostitutes, as dangerous “savages” within Britain. The fear around transgressive sexualities and their impact on the nation was compounded by the fact that many of the subjected districts were in port towns, which were coded as foreign. The military ships going in and out of the harbors raised fears about the potential of colonial subjects being brought back to Britain. Prostitutes in these towns reminded military authorities that “nation and empire were fragile, in that without constant accommodation they threatened always to dissolve” (Levine, 3). In order to “accommodate” the danger of prostitutes and ensure the safe continuation of the empire, the Acts were funded by military and state agents, constructing a firm relationship between women and the empire.

### **Extentionists**

The extentionists conceptualized the state as a benevolent father, tasked with taking care of women who could not take care of themselves. Barcroft, in his previously mentioned essay

“The Contagious Diseases Acts: Shall their Repeal Be Admitted? An Appeal to the Common Sense of Englishmen,” clearly illustrates such a conception of the state. Barcroft claimed that the prostitutes the Acts sought to legislate were “unfortunate women,” who were “defenseless, abandoned, and too often desperate” (Barcroft, 5). Further, he asserts that these women cannot help themselves, because “reckless of soul, they are nearly always reckless of body also; and their resort in physical trouble is naturally, not the hospital, but the gin palace” (Barcroft, 5). With bodies and souls so injured by their trade, eventually, left to their own devices, these women would die “a premature and loathsome death” (Barcroft, 5). In order to help these women, extensionists argued that the state *must* step in and *must* make it compulsory for women to go to the lock hospital instead of the “gin palace.” He goes on: “If we are justified, as most of us are agreed, in enacting Factory Acts which forcibly restrain women and children from injuring themselves by overwork, how much more are we justified in snatching these defenseless victims of their own abandonment from the consequences just alluded to!” (Barcroft, 6). Referring to another piece of legislation, which limited the hours of work women and children could complete in factories (also an example of the state legislating “on behalf of” vulnerable women, which was fiercely contested by women themselves), Barcroft forwarded a paternal conception of the masculine state knowing what is best for women better than women do. The Acts are framed as a protection to “defenseless victims,” and the state as a benevolent caregiver to women who do not have the capacity to know as much or as well as men in parliament do. Helplessly dependent on the fatherly state, Barcroft constructed the Acts as charitable, helping poor women. Barcroft’s description of the fatherly state looking after the less fortunate went hand in hand with imperial logic. Like working-class women, colonial subjects were cast as child-like people in

need of education from the “adult” and “fatherly” West. Casting colonial people in this way legitimized Western occupation of foreign lands. Similarly, the relationship the Acts and extensionists constructed between women and the state followed the same logic as the relationship between the colonizer (Britain) and the colonized (Britain’s colonial possessions). It could be said that working-class women were colonized via the Acts, just as the East was colonized by the West.

A letter to *The Times* by “M.R.” furthers Barcroft’s construction of women as victims who need the state to provide support for them. However, in contrast to Barcroft’s illustration of women who do not know that they are in need of the state’s help, M.R. describes women as desperately seeking the state’s help already. He writes that “complaints have been made that very little good has been effected at Chatham or Portsmouth, since the working of this Act; but the truth is the mere erection of a lock hospital in any neighbourhood attracts crowds of unfortunates, who travel long distances on the mere chance of some attention being paid to their wants or sufferings” (M.R., 1). M.R. contests the assertions made by repealers that the lock hospitals have not done any good by describing the crowds of women vying for treatment. “The supply of beds, again, has never been equal to the number of women waiting for treatment who, being without money, without friends, without even bare shelter, are compelled to remain in the streets” (M.R., 1). M.R. asserts that so many women seek treatment from hospitals that women were turned away before the CD Acts created more room in hospitals. These women were then left “without money, without friends” and without “bare shelter.” Whether such a crowd of women ever wanted hospital beds is up for debate, but it seems likely that M.R. was actually referring to venereal wards before the passage of the Acts. Going to these hospitals was not

compulsory before the Acts, and less beds were available, as venereal wards were part of larger general hospitals. Women tended to go to these only when physical symptoms became unbearable. When the Acts were implemented, the consensual element of venereal wards was eliminated, and admittance to lock wards necessitated that women also be put under harsh surveillance and stigmatized periodical examinations outside of hospitals. Unsurprisingly, women were not desperate to go to such hospitals. By conflating the pre-CD Acts hospital system with the post-CD Act system, M.R. constructs a very different picture of women's willingness or desire to be admitted to wards. Either way, such a miserable depiction of women melded into a conception the state as hero, saving poor women from the streets with the addition of hospital beds.

Extentionists forwarded a characterization of the state as a benevolent father, helping unfortunate women who had nowhere else to turn. Some extentionists, such as Barcroft, constructed women as not understanding that they needed the state; meanwhile, M.R. conceptualized working-class women as desperately vying for limited state resources. The vision of the state as a parental figure colluded with imperial logic, drawing parallels between the legitimization of the state's interference into working-class women's lives and the reasoning given for Britain's occupation of colonized nations.

## **Repealers**

Repealers rebuked the extentionists' arguments, claiming that far from a benevolent father, the Contagious Diseases Acts were a site of the state's unjust cruelty towards working-

class women. In addition, the fear of the fall of the empire was used as an argument against the Acts, with repealers arguing that the state regulation of vice was a death sentence in and of itself. Furthermore, repealers posited that the state could reduce the amount of prostitutes in Britain by providing women with work opportunities, rather than by regulating them in degrading and unfair ways.

For instance, in Annie Besant's essay "Legislation of Female Slavery," she sets up a clear connection between the CD Acts, women, and the state. She argues, "no repressive Acts will destroy disease in a community where prostitution is encouraged, and...the wide prevalence of prostitution is ruinous to the physique of a nation" (Besant, 95). Besant claims that the Acts will inevitably fail if they are to police women and women only, asserting: "no eradication of disease is to be hoped for unless registered women be given over thoroughly to continual supervision, and be literally made slaves, equally obedient to the call of the doctor who heals and to that of the man who infects" (Besant, 95). Here, Besant points out the absurdity of the acts. Barring the slavery of women, the legislation is doomed to fail. But through highlighting this absurdity, she also calls out the way the Acts function as a method of the state control of women. It is not individual men who must make all women slaves in order for the CD Acts to be effective, but rather, she implies that the state itself would have to enslave women in order to constantly keep them under surveillance.

Further, she compares the Acts to "the admitted failure of the regulation abroad, and the more and more complete control demanded for the police over the unfortunate women sacrificed to the 'necessities of men'" (Besant, 95). Besant is referring to the regulation of prostitutes in France, which was widely considered – even by the framers of the Acts and the extensionists – as

a failure. She also underscores the sexual double standard endorsed by the state when she refers to the sacrifice of women to the “necessities of men.” As Nead puts it, “the male sexual urge was understood to be active, aggressive and spontaneous whilst female sexuality was defined in relation to the male and was believed to be weak, passive and responsive” (Nead, 6). In Britain, as well as in France, prostitutes were deemed necessary to cater to the uncontrollable sexual urge of the military (an arm of the state). Besant cleverly transitions from highlighting the “sacrifice” of women to the “necessities” of the military to tapping into the fear that prostitution is “ruinous to the physique of a nation.” She expands upon the latter point: “national morality and national health go hand-in-hand; a vicious nation will be a weak nation, and when a government begins to deliberately license women for the purposes of prostitution, it has taken the first step towards the ruin of the nation it administers” (Besant, 94). Here, Besant claims that a nation which licenses prostitutes does not just cause the infection of people; rather, they contaminate and destabilize the nation. Referring again to France, she continues: “Louis Napoleon made Paris a sink of impurity; when the struggle came, the working-classes only - whose circumstances preserved them from gross excesses - were fit to fight for France” (Besant, 94). Invoking Napoleon, Besant directly refers to state-endorsed “impurity” as an act that can end an empire. In so doing, Besant tapped into the ever-present, lingering fear that the British empire may fall. As mentioned earlier, the British based many of their ideas of empire on Rome, which they belied had fallen due to sexual immorality. Besant implicated that a state which encourages sexual wrongdoing would ensure its own demise, just as Rome had.

Besant did not just disagree with the CD Acts; she disagreed with prostitution writ large. She saw the CD Acts as detestable because they encouraged and endorsed the need for

prostitutes, rather than finding a way to put an end to sex work. But Besant did not blame individual women for their choice to go into prostitution. She saw women's entrance into the trade as a cruel necessity given their economic circumstances. She exclaimed: "the real remedy for prostitution is to give women opportunities of gaining fairly paid employment. By far the greater number of prostitutes are such *for a living*. Men are immoral for their amusement; women are immoral for bread" (Besant, 98). Besant critiques the construction of prostitutes as immoral or sinful, arguing that women go into prostitution because there are few other occupations available to them. Facing poverty, "women are immoral for bread," unlike men who are "immoral for amusement." Far from needing legislation to teach women how to be moral, Besant underscores the need to give women more work opportunities. She sees prostitutes as women who have been driven to their way of life through their victimhood within an unfair system. If the state must be involved in controlling prostitution, let it be by giving women other opportunities to make a living, rather than forcing women to remain in prostitution for their day-to-day survival. In sum, Besant argued that the Acts had the potential to bring about the end of the British empire through the rampant immorality they created, invoking the cultural narratives around the fall of Rome and the failure of the French system of the regulation of prostitution. Furthermore, she implored the state to create more work opportunities for women, otherwise women would be forced to turn to prostitution for their economic survival.

In her speech "An Appeal to the People of England on the Recognition and Superintendence of Prostitution by Governments," Josephine Butler railed against the immense physical, emotional and sexual abuse inflicted on women by the state under the CD Acts. She exclaimed that once a woman had been told to sign a submission form, "the alternative for every



woman accused is either to appear before the Magistrates, or to submit to a torture which to any woman with a spark of feeling left in her is worse than death” (Butler, 113). The torture which women were subjected to “has no parallel except in the darkest and foulest forms of persecution practiced on helpless women in the cruelest ages of history” (Butler, 113). She continues, “I will only say, from a large and intimate experience of women in this pitiable class, that I never found one among them...who did not shrink with horror from that torture, and who would not rather endure any amount of bodily pain than that which is so intolerable to womanhood, violence done to the deepest and most indelible instincts of her nature” (Butler, 114). Butler does not name the torture women under the acts fall victim to in this speech, but it is clear she is referring to the speculum examination, which many repealers (Butler included) coined “instrumental rape.” Walkowitz explains: “lurid tales of the “instrumental rape” of registered women were further evidence of the urgent need for reform...at public meetings, repeal spokesmen would display the vaginal speculum and explain its use to a horrified audience. Vivid and detailed accounts of the instrumental torture figured prominently in repeal propaganda” (Walkowitz, 109). Butler constructs women as victims of the most degrading form of torture: systematic rape. This deeply gendered form of violence, licensed and carried out by the state, showed women brought under the acts as victims of the most horrific form of violence. Further, “instrumental rape” framed the act of rape not as an act by a man to a woman, but rather an act of sexual violence committed by *the state itself* to women under the Acts.

Furthering the narrative of the state’s “instrumental rape” of women, Butler related a graphic description of the vivisection of innocent animals to illustrate the damage done to women under the Acts. Responding to the concept a doctor - Dr. Davies - voices, that the self-

respect of women of a particular class (the working-class poor) is dead, she argues that “this view, no doubt it is which enables such men to regard these poor girls as mere carcasses for the dissecting room” (Butler, 121). She recounts a story of an operator in France who was found to be practicing vivisection on horses and other animals. The operator believes a horse is dead, and begins the process of dissecting it. But then, “the approach of the knife to some sensitive nerve reveals, by the quiver which runs through the poor creature’s frame, and its spasmodic effort to escape, that it was *not* dead, and that the operator has been guilty, through the falseness of his own conclusions as to its state, of *vivisection*” (Butler, 121). Butler claims that the treatment of women (represented by the horse in this story) by examiners (the operator) using the speculum on them is carried out legally under the CD Acts. Just as “the horse is killed by that very stroke of the knife which revealed that there was life in him; and the last remnant of modesty in these human victims is killed by the infliction of that bitterest agony induced by that revival under the process of vivisection of the strong instincts of womanhood” (Butler, 121). The sense of womanhood belonging to those brought under the acts is killed by the speculum examination, just as the horse is killed by the operator’s knife. “But such agony cannot last. The very process which aroused into existence the whole sensitiveness of that most sensitive of God’s creatures, a woman, has in the same moment dealt its death-blow” (Butler, 121). By assaulting women’s modesty – the most sensitive and core part of their existence as women, in Butler’s narrative – their sense of womanhood is killed. “One of the officers appointed by the French Government to carry out the provisions of its system, said to an English gentleman, ‘The women betray strong emotions at first, but very soon they care *not a sou for anything*’ (Butler, 121). Finally, the women become numb, deadened by the repeated assault to their modesty. Butler’s vivid text

compares the cruel treatment of innocent animals to the victimization women experience at the hands of the state under the CD Acts.

No doubt, Butler also chose to connect the treatment of animals and the women brought under the CD Acts due to the strategic naming of the legislation. “The Contagious Diseases Acts” were originally pieces of legislation regarding diseases that cattle had. When the CD Acts applying to women were brought up in parliament, many members of the legislature did not bother to show up, thinking the acts were about cows. In her circular “Letter to my Countrywomen, Dwelling in the Farmsteads and Cottages of England,” Butler explains this aspect of the passage of the Contagious Diseases Acts. She writes that parliament “took counsel with doctors and officers high in the army, and high in the navy, and they drew up a Bill...and brought it to Parliament to pass, but this they did not do until the beginning of August, when the business of Parliament was supposed to be over for the year, and many members of the House of Commons had already left town and gone to Scotland or abroad” (Butler, 153). Butler casts this secretive meeting as unsavory to begin with. Then, “they called the Bill a Contagious Diseases Bill, and because the Bills about the Cattle Plague were also called Contagious Diseases Bills, some of these members who might have returned to speak and vote against it, mistook it for one of these and stayed away” (Butler, 153). As well as framing the trickery involved with the passage of the Acts as a defilement of democracy, Butler highlighted the outrage of naming legislation for regulating women in the same way as that of containing a cattle plague. The parallel between the ways in which parliament treated non-human animals and women are made salient in Butler’s argument, underscoring the egregious degradation of women by the state.

In sum, the Acts were controlled and funded by military authorities, because they were created by and for the British army and navy due to the presumed need military men had for sexual access. The extentionists argued that the prostitutes needed the help of the benevolent, fatherly state, as they were helpless on their own. The repealers argued that the Contagious Diseases Acts created an exploitative and cruel relationship between women and the state. Catering to the presumed sexual needs of the British military, the Acts encouraged – indeed, required – women to enter and stay in prostitution. The “immorality” the State legislated could, according to repealers, bring about the demise of the empire. Additionally, repealers framed the Acts as a form of state-sanctioned sexual violence against women, degrading prostitutes to an inhuman level. The naming of the Contagious Diseases Acts was mistaken by many members of parliament as legislation about disease among cattle. Repealers used this fact to draw a parallel between the way the State treated working-class women under the CD Acts, and the way it treated cows.

## **Conclusion**

Through multiple and overlapping discourses, the Contagious Diseases Acts, repealers, and extentionists constructed relationships between women and disease, women and other women, women and men, and women and the state. The CD Acts identified women as the primary carriers of disease, framing their bodies as dangerous and in need of control. Two groups of women were constructed through the legislation: good, moral women, and bad, immoral women. Lock hospitals were framed as a site which could potentially transform bad women into better ones. The Acts brought women under the nexus of many male-controlled

institutions, engaging with criminal justice, legal, medical, and religious discourses. Finally, the CD Acts were funded by military authorities, constructing a strong relationship between women and the state.

The extentionists' thinking aligned with the Acts, so often their discourse drew upon the Acts as a basis for their arguments, then extended a variety of other justifications for furthering the legislation to other areas in Britain and the colonies. Extentionists argued that prostitutes, if left unregulated, would spread disease to men, who would then pass the disease on to their wives and unborn children. They set up two groups of women: moral and immoral. Immoral women – the prostitutes – were framed as dangerous to moral women. In terms of their relationship with men, prostitutes were constructed as posing a danger to men's sexual control, tempting them into sexual activity. The extentionists saw the state as a benevolent father, helping women who could not help themselves.

The repealers protested against the Acts and the extentionists, forwarding numerous arguments as to why the Acts were unjust. They framed venereal disease as moral, rather than physical, in their nature. Thus, repealers advocated for venereal disease to be treated differently than other sources of contagion. Repealers also underscored that men were as much to blame as women for the spread of venereal disease. The repealers rejected the binary of good/bad women the Acts and the extentionists set up, instead advocating for a cross-class alliance of women to organize *as* women. They cried out against the unequal treatment of the sexes the Acts legislated, claiming that women were treated unjustly under the law. Repealers framed the state as cruel to women, and also argued that the Acts threatened the British empire through the legislation of immoral sexual practices.

The repealers clearly demonstrated that they wanted to help working-class women who were subjected to the Contagious Diseases Acts. By creating a cross-class alliance, repealers such as Butler and the Ladies National Association reached out to their working-class “sisters.” Their alliance worked in many ways, but also fell short in some regards. Although the repealers realized it was important to meet working-class women on their terms, sometimes the lifestyle of the working-class wasn’t fully comprehended by repealers, leading to policies that could harm working-class women being forwarded by middle-class repealers. Working-class women were also notably absent from the huge amount of texts produced, unless they were quoted by middle-class women like Butler. In my next chapter, I will thoroughly explore the conditions of working-class women’s lives, and how prostitution fit into this context. I will look into the cross-class alliance of the repealers, and attempt to identify the strengths and weaknesses of the partnership. I will also seek to discover the narrative of working-class women’s resistance that was often left out of even the most well-meaning repealers’ work.

## Working-Class Women: Visibility and Invisibility

### Introduction

Despite the prolific writings on the Contagious Diseases Acts (CD Acts) by the extensionists and repealers, a notable voice is missing from these texts: that of working-class women. It was working-class women whose bodies and lives were the central concern of the CD Acts; their bodies were targeted by the Acts with devastating effects. Exclusion from the discourse making process was a serious disadvantage to working-class women. However, these women were not passive victims: they organized and protested in a variety of ways. In this chapter, I will argue that despite the absence of their voices from the formal discourse making process, working-class women found significant ways to express their resistance against the CD Acts. In particular, they protested in court rooms, in the domestic sphere, and in lock hospitals. Even though we do not have their own accounts of these protests, they are documented in newspaper articles, particularly in *The Shield*, a publication created by the repealers. I will use Michel Foucault's discourse analysis from his study, *History of Sexuality*, and Linda Alcoff's concept of positionality from her article "Cultural Feminism versus Post-Structuralism: The Identity Crisis in Feminist Theory" to examine the protests of working-class women and how these protests were situated within the field of discursive power.

### Theory and Methodology

Foucault argues that the transformation of acts into discourse inserted behavior into "power mechanisms," which could then be regulated by authorities associated with particular

discursive locations (Foucault, 24). The fact that working-class women did not occupy a location to claim authority over language placed them in a dangerous position; the power over their bodies was out of their hands. Not only were working-class women excluded from discourse, but they were those who were incited to speak. Foucault argues that beginning with the Catholic pastoral in the Middle Ages and spanning to the nineteenth-century, “the confession of the flesh” has “continually increased.” Through confessions of the most intimate details of the body, of desires, of thoughts and daydreams, discourse “had to trace the meeting line of the body and the soul, following all its meanderings: beneath the surface of the sins, it would lay bare the unbroken nervure of the flesh.” Once a person had confessed every detail of their sexuality, “under the authority of language...sex was taken charge of, tracked down as it were, by a discourse that aimed to allow it no obscurity, no respite” (Foucault, 19-20). Working-class women accused of being prostitutes were made to confess. Sometimes the confession was verbal, in front of magistrates or to police officers; but their bodies were also perceived to speak for them and their sins. The periodic examination laid their bodily history bare to the medical authorities: speculum examinations allowed investigators to look into women and read the sins of the flesh, then translate it into medical discourse. In this way, their bodies were analyzed, categorized, and translated into language. Their bodies confessed, but ironically, women were not allowed to translate such a confession: examiners spun their bodies into a language which was then used to sort them into categories of “diseased prostitute” or “woman.” These categories enabled authorities “to take sex ‘into account,’ to pronounce a discourse on sex that would not derive from morality alone but from rationality as well” (Foucault, 24). Women’s identity would



be fixed, and they would be managed accordingly. Thus, being left out of the discursive process had the potential of taking a devastating toll on the bodies of working-class women.

Working-class women were not unaware of the consequences of the CD Acts. For that reason, they found ways of resisting, despite being left out of the formal discourse making process. I will turn to Linda Alcoff's concept of positionality to understand the tactics working-class women deployed. Positionality postulates that "the concept of woman is a relational term identifiable only within a (constantly moving) context," but also, "the position that women find themselves in can be actively utilized (rather than transcended) as a location for the construction of meaning, a place from where meaning is constructed, rather than simply the place where a meaning can be discovered" (Alcoff, 434). Working-class women found ways to protest which enabled them to engage with and disrupt the "matrix of habits, practices, and discourses" which they were "subjects of and subjected to" through various forms of protest. Despite serious limitations, these forms of protest allowed working-class women to have a role in negotiating their "gendered subjectivity." Furthermore, although we know from Foucault's discourse analysis that the categories such as "women" and "prostitutes" were constantly in the process of being constructed and reconstructed, the web of habits, practices and discourses in which working-class women found themselves enmeshed was a location from which they were able to organize *as* women – even if we know that the concept "women" is fluid and ever-changing in each moment (Alcoff, 431). So, although many external groups sought to define the identity of working-class women, the forms of protest these women partook in rejected the notion that they were the "passive recipient[s] of an identity created by these forces." Instead, they were a "part of the historicized, fluid movement, and [they] therefore actively contribute[d] to the context

within which [their] position [could] be delineated.” From their unique position in the throng of social powers and actors, they used their position as a location for the construction of meaning. In this chapter, I will explore some of the ways working-class women utilized their position to reject and construct meanings, bearing in mind the constraints and limitations their social circumstances dictated.

### **The Working-Class and Prostitution**

Before the CD Acts, prostitution in working-class areas was fluid and casual. Many women took part in prostitution as a temporary solution to economic issues, usually when they were young; but, by and large, they were a part of the working-class communities around them. Certainly, they were considered a part of the broad category of “women,” and “prostitute” would not have been their primary identification. Although prostitutes differed in many ways, there were some characteristics that tended to be common among them before the CD Acts were enacted.

Prostitutes tended to be young when they entered sex work. In her study, *Prostitution and Victorian Society: Women, Class, and the State*, Judith Walkowitz notes that most prostitutes “moved onto the streets in their late teens and remained there for no more than a few years.” Likewise, rescue homes and hospitals reported a similar age range; the rescue society’s registers “suggest that women most frequently entered prostitution in their late teens” and “lock hospitals reported a similar age concentration, with eighteen and nineteen being the most common ages of female inmates.” The occupation of prostitution in nineteenth-century Britain was

“noninstitutionalized and fluid,” and was passed through for a period of time before girls left the streets to “resume respectable employment or settle down with a man” (Walkowitz, 18-19).

Before and after going into prostitution, most women had low-waged jobs. In their article “We Are Not Beasts of the Field: Prostitution and the Poor in Plymouth and Southampton under the Contagious Diseases Acts,” Judith and Daniel Walkowitz write of working-class girls on a “notorious” street in Plymouth, in which “one hundred and three out of 134 single women, aged 15 to 29, were listed as needlewomen, dressmakers, milliners, servants or tailoresses, or as unemployed.” They continue, “for most of the women, these occupational listings probably represented what they might have done in the past, what they might choose to go back to when they finished their present career” (Walkowitz and Walkowitz, 83). A woman’s move into prostitution in the first place would mostly likely be due to an economic rationale; working-class women had extremely limited employment opportunities: “the earnings of prostitution had to be measured against the salaries of domestic servants, needlewomen, and tailoresses. The latter three groups would earn no more than six to ten shillings a week...while a prostitute, even a ‘sailor’s woman,’ could earn that in one day, at a shilling a ‘shot.’” (Walkowitz and Walkowitz, 83). Thus, “women turned to prostitution as a temporary refuge from uneasy circumstances. It was often an alternative to proletarianization, one that released them from an oppressive work regime and afforded them readier access to money and social independence” (Walkowitz and Walkowitz, 31). It was the economic rationale behind prostitution that led Josephine Butler, the leader of the Ladies National Association (LNA), to declare in her speech “An Appeal to the People of England on the Recognition and Superintendence of Prostitution by Governments” that

the “crime of being a prostitute” was a “crime to which thousands are on the evidence of witnesses before the Parliamentary Committee, driven by absolute starvation” (Butler, 114).

The fluid nature of prostitution before the Acts meant that the categories of “working-class women” and “prostitutes” were not clearly defined or bounded and these two identities were often conflated. As a result, not all women picked up under the Acts were prostitutes; rather, they were working-class women suspected of being prostitutes because they were in the streets or out at night. The discourse of the CD Acts worked to separate prostitutes out as a distinct category from working-class women. Foucault rightly asserts that power mechanisms over sexuality function by “analysis, stocktaking, classification, and specification,” derived not “from morality alone but from rationality as well” (Foucault, 24). The vague, and in many ways non-existent, separation between “women” and “prostitutes” disrupted modes of classification, and thus the power mechanisms dependent on specificity. Until the CD Acts, prostitutes had not been defined and categorized as separate from ‘women’ as a group within the law; after the Acts, they were.

In her study, *Myths of Sexuality: Representations of Women in Victorian Britain*, Nead tells us that before the CD Acts, prostitution was brought under the Vagrancy Act. The Vagrancy Act “enacted that: ‘every common prostitute wandering in the public streets of public highways or in any place of public resort and behaving in riotous or indecent manner could be imprisoned for one month.’ Thus, prostitution in itself was not an offense, rather the offense was constituted by the breach of public order and the creation of a public nuisance” (Nead, 115). The form of prostitute who would have constituted a “public nuisance” was the streetwalker. Streetwalkers were almost exclusively working-class women. Nead explains that the Contagious Diseases Acts

solidified the legal discrimination against working-class prostitutes. Whereas before the CD Acts prostitutes were legally defined as part of a wider group (many people could come under the category of ‘public nuisance,’) “within the law the prostitute became separated from other types of street offenders and the Contagious Diseases Acts effectively created ‘prostitution’ as a distinct and discrete legal category” (Nead, 115-116). Thus, legally, the Contagious Diseases Acts sought to sharply distinguish the categories of “prostitutes” and “working-class women.” The implementation of this legal separation transformed the on-the-ground reality of prostitution in working-class areas.

In practice, the severance of prostitutes from the rest of their communities (and from other women) took place through systematic stigmatization. Police used the Acts as a way to publically shame women for their livelihoods. Walkowitz goes so far as to assert that “public shaming was one of the principal functions of the police registration and surveillance” (Walkowitz, 203). Police would visit women in their homes during the day, when their neighbors were around to witness a woman being outed as a prostitute. “Women complained bitterly of the ‘policemen hunting you up...coming to your house, threatening you, and letting all the people around you know what you are.’” (Walkowitz, 204). The medical examinations also took place during the day in facilities that were in central locations, so the community would see women going to their inspections. Walkowitz explains, “the examination was demeaning because of its public character. Streetwalking at night was one thing; being forced to attend examination during the day, often taunted on the way by young boys who loudly questioned whether the women were going up to the ‘Bougie Fair’ or the ‘meat market,’ was another” (Walkowitz, 202). Furthermore, some documented abuses by police demonstrate more serious and obvious forms of

the public degradation of women under the Acts. In her article “‘Troops of Largely Diseased Women’: VD, the Contagious Diseases Acts and Moral Policing in Late Nineteenth-Century Ireland,” Elizabeth Malcolm recounts the testimony of the head of a rescue committee to a select committee investigating the CD Acts. He “told a select committee that he had witnessed the CDA’s police ‘drag a young woman to the [lock] hospital’ from the South Mall at 9.00pm” (Malcolm, 11). Through humiliating acts such as this one, and the public nature of the implementation of the Acts more generally, it became impossible for women to keep their “private and public worlds apart,” forcing women into the singularly public identity as prostitutes and denying them the right to private status as “women” (Walkowitz, 202).

In turn, the working-class communities, which historically had lent support to these women, were alienated by the lingering threat of association with prostitutes the enforcement of the Acts made visible. Once outed as common prostitutes and repeatedly humiliated in public, women brought under the Acts reported finding it more difficult to find other forms of employment. They were more likely to be denied housing, and thus they were driven deeper into the economic hardship that often led women to turn to prostitution in the first place. In effect, “through their surveillance and harassment the police made it impossible for a woman, once placed on the register, to have her name removed unless she left the district or married” (Walkowitz, 203). Even the two alternatives Walkowitz gives were difficult to come by. Many men were put under pressure by the police to sever their connections with registered women. In Plymouth, the police could “inform against governmental employees and naval pensioners who let out rooms to prostitutes. If a pensioner proved uncooperative, his pension could be stopped, dock laborers and artisans could be dismissed, and pubs and beer shops harboring diseased

prostitutes could be placed “out of bounds” for men in service” (Walkowitz, 2005). It was very common for a man and a woman in the working-class poor to consider themselves “married” simply by living together. Severe discipline could be meted out to men if they cohabited with a woman considered by authorities to be a prostitute, cutting off this option of escape for many women.

In addition, it could be difficult for women to leave the subjected districts, as the police were known to track down the women after they had left. The police gained such a reputation for pursuit that Josephine Butler referred to the metropolitan police as “women hunters.” An example can be found in testimony by Butler to a commission investigating the Contagious Diseases Acts, published by a group of extentionists under the title “Extracts from the Evidence given before the Royal Commissioners, 1871.” Butler tells the story of Jane Featherstone, who had been placed under the power of the CD Acts in Canterbury. After seeking help from a rescue society, she found a new home in London, where “for eight months she proved herself as an honorable woman.” After these months, “she was married to a good and respectable man.” They were married in order to gain full custody over Featherstone’s children, who had been in an orphanage in Canterbury. When they were there to pick up her children, a “government police spy arrested Jane, while leaning on her husband’s arm, and, in spite of her husband’s drawing out their marriage certificate, took Jane and locked her up for the night” (Butler, 2). Women like Jane were kept on registers, so if they dared enter a subjected district after they attempted to escape, they would be brought back under the same nexus of control. In this case, the extentionists claimed that Featherstone had not shown up for periodic examinations, hence the arrest; however, given that the reason she did not appear was because she had moved to an area

not under the Acts, such a defense seems beside the point. The extensionists also used women's escape as an argument for the extension of the Acts: if all of Britain could be brought under control of the CD Acts, such escapes could not happen. All in all, stigmatization came from many angles. Once a woman had been placed on the register of common prostitutes, her social ties to her community and her lifestyle as she knew it could be altered unrecognizably, and she would find it extremely difficult to escape the control of the CD Acts.

Due to the consequences of the stigmatization of prostitutes under the CD Acts, prostitutes who could not escape the register were driven to long-term prostitution, rather than moving back into their communities to other jobs or to marriage. Furthermore, as women were pushed further and further away from their social support networks, yet remained dependent on prostitution for economic reasons, pimps emerged as a larger force within the sex industry. Before the CD Acts, prostitution had been a women-run industry, and most prostitutes were self-employed. However, the Acts forced women to look to alternative arrangements to protect them from police harassment and help them secure housing. Appearing as a monogamous couple, a prostitute and her pimp could more easily apply for housing and she was less likely to face legal threats. Thus, through the enforcement of the Acts – and the long-lasting effects after they had been repealed – the sex industry was passed from the hands of women to men.

Through the strategic stigmatization and separation of women under the CD Acts, prostitutes were forced to become a distinct, bounded category. Once “women” and “prostitutes” were consolidated as two separate categories, prostitution became the primary identification of women in sex work in a way it had not been before. Having broken the ties of prostitutes to their communities, prostitution became a permanent position rather than a temporary mechanism to



solve an economic problem. Prostitution was also turned into an institutionalized profession run by men, rather than fluid and temporary work controlled by women. The Acts radically changed women's mobility and social status, and once they were put into the category of "prostitute," they were stuck with it. Working-class women understood the immediate dangers the CD Acts posed, and had good reason to fight back.

### **Imperial Logic and the Working-Class**

The Contagious Diseases Acts were inextricably bound to the British colonial project. The Acts were implemented in almost all of the British colonial possessions in the nineteenth-century, and the imperial logic of the empire was mapped on to working-class women in the domestic context. The locations of the CD Acts in Britain were mostly in port towns, such as Southampton or Plymouth, or the dock areas in cities, such as the East-end of London. Ports were coded foreign and associated with ships coming back from the colonies; fears about venereal disease from the colonies were manifested in the ports, the working-class communities who tended to live by the ports, and prostitutes who inhabited these areas. In her study *Prostitution, Race and Politics: Policing Venereal Disease in the British Empire*, Philippa Levine argues that colonial prostitutes were framed as diseased and out-of-control bodies. In turn, disease and disorder associated with sex work "coalesced in colonial understandings of how venereal disease might literally poison the body politic" (Levine, 9). As well as fearing venereal disease from colonial sites, British authorities were threatened by the non-whiteness of colonized prostitutes. In the nineteenth-century, Britishness was deeply tied to notion of whiteness. Whiteness and race "were closely and critically tied to sex – via the body, via reproduction, via

deep fears about racial dilution and racial mixing” (Levine, 6). Thus, if colonized prostitutes passed their diseases on to British soldiers, or if somehow a colonized person made their way back to Britain, the presumed superiority of the British race could be tainted via the bodies of colonized women. In turn, the racial dilution of British whiteness could wreak havoc on the empire itself. Therefore, the fear of prostitutes in working-class port towns was compounded by “the growing eugenics-based fear of race suicide” (Levine, 7). The working-class, prostitutes, race, and sex constituted a threat in the colonial imaginations of British authorities.

The imperial overtones of prostitution and the working-class “struck a chord in the nineteenth-century imagination far beyond the material damage wrought by disease” (Levine, 6). One site of the nineteenth-century imagination Levine refers to is further described in Judith Walkowitz’s *City of Dreadful Delight: Narratives of Sexual Danger in Late-Victorian London*. Walkowitz argues that the comparison between the working-class poor and colonized peoples was a common cultural trope during the nineteenth-century. In fact, as early as the 1840s a genre of literature existed in which the protagonist was an “urban explorer,” researching, as would a colonial anthropologist, the working-class poor. The urban explorers “adapted the language of imperialism to evoke features of their own cities. Imperialist rhetoric transformed the unexplored territory of the London poor into an alien place, both exciting and dangerous” (Walkowitz, 18). Just as the West was focused on their imperial enterprise in the East, the west-end of London was the colonizer of the east-end. Nead adds that the purpose of the urban explorer narrative was not just to characterize the working-class as savages. Rather, the “metaphor of social exploration is a particularly forceful one for [an] investigatory practice; in the same way that geographical exploration became a strategy of British colonialism, so social exploration pursued its

anthropological task to colonize the working classes, to describe, to categorize, to analyze and to regulate various deviant groups” (Nead, 150-151). By framing the working-class as comparable to colonized peoples, the middle-class legitimized the categorization of particular groups – in particular, prostitutes – in order to control and manage them.

Furthermore, just as medical authorities examined prostitutes with speculum, the urban explorers “examined” prostitutes through interrogation. Nead claims that “the autobiographical statement took on the connotation of ‘confession.’ The examination of prostitutes within social investigation produced a body of knowledge and relations of power; power between the middle-class man conducting the interrogation and the working-class woman who answered his questions” (Nead, 152). Foucault’s commentary on confession appears through these interrogations. The body of knowledge acquired through the investigations of the savage working-class – like the examinations of the bodies of prostitutes – gave power to the party who was able to explore, investigate, and conquer, while leaving the investigated party powerless. Prostitutes became the subject to map out and analyze, just as the wild, colonized lands had to be taken stock of.

### **Class Alliances, Class Challenges**

Although not all repealers working to end the CD Acts had the best interests of working-class women in mind, there were groups in the repeal camp who sought to empower working-class women to resist the Acts and provide resources to help them. Josephine Butler and the Ladies National Association (LNA) were particularly invested in helping working-class women resist the Acts. Through the work of Butler and the LNA, an inter-class alliance was formed.

They used a multi-pronged strategy to take down the Acts, and their tactics took into account the different classes involved. Through their shared gender and differing classes, a nuanced form of identity politics emerged. Alcoff's insights into identity-based organization helps to illuminate their strategy. She suggests that although identity is a construction, identity can be "taken (and defined) as a political point of departure, as a motivation for action, and as a delineation of politics" (Alcoff, 431). Although there are problems that can emerge from associating with an identity – for instance, the totalization of that identity or the risk of essentializing a particular group of people – "the concept of identity politics is useful because identity is a posit that is politically paramount." She suggests recognizing "one's identity as always a construction yet also a necessary point of departure" (Alcoff, 431 – 432). The group of repealers shared womanhood as a point of departure, which allowed them to organize around a site of common ground. As women, middle-class and working-class repealers knew that the Acts put them at risk. Working-class women were well aware that the material consequences of the Acts could be devastating – their lives could quite literally alter overnight and forever if they were brought under the legislation. Middle-class women did not face the same level of risk, but they knew there were major consequences for them if they lost the fight to define their own subjectivity. If men were able to continue defining women in relation to their needs, wants and desires, there would be long-term battles that women would have difficulty winning (for instance, suffrage). Taking their gender as a point of departure, women opposed the Acts because they knew how much was at stake if the Acts remained in place.

On the other hand, women experienced the effects of the Acts very differently depending on their social class, particularly as the nineteenth-century was a distinctly class-conscious

moment. Utilizing class differences, however, was key to overcoming the Acts. Butler and the LNA understood that there were certain types of resistance only working-class women could take part in. Middle-class women were not the primary targets of the Acts, so they could not be the bodies in the courts or lock hospitals. Instead, they were able to deploy their education and monetary privileges to support and empower working-class women in these forms of protest. Meanwhile, Butler was able to appear in parliament and high-level political debates that were not open to working-class women. Furthermore, middle-class women had a higher rate of literacy than working-class women, which allowed them to engage in a variety of dialogues closed off to the working-class. Strategically, it was vital to have women from both classes in order to effectively bring down the Acts. Far from ignoring class differences, it was absolutely necessary to have different “political point[s] of departure, as a motivation for action” (Alcoff, 431).

Particularly in the earlier years of the repeal activities, the LNA held meetings specifically for working-class women, and attempted to form working-class women’s repeal organizations. The LNA also saw that in order to bring working-class women on board, they had to accept the lifestyle of the working-class even if it varied considerably from the norms and values of middle-class life. For instance, it was common for unmarried partners to live together in working-class areas, a practice that violated middle-class norms. The LNA realized that accepting these differences was vital if any inter-class alliance was to work.

Nevertheless, the LNA had great difficulty recruiting working-class women. Josephine Butler was well aware of this. In *Prostitution and Victorian Society: Women, Class, and the State*, Judith Walkowitz notes “In an 1870 letter to the LNA, Butler stressed the importance of recruiting workingwomen into the repeal cause” (Walkowitz, 144). However, there were never

strong enough efforts to follow through with the recruitment, and working-class women were never afforded a place in repeal organizations. That is not to say there was no engagement with the repeal groups on the part of working-class women. Many women indirectly engaged with the repeal effort, by persuading their husbands to vote for anti-regulationists, taking and distributing flyers, and showing up to some meetings. Nevertheless, their presence was never central in repeal groups.

There are a number of reasons for the lack of substantial working-class women's participation in repeal politics. For one, it is likely that many working-class women did not have a level of literacy that would enable them to take part in the production of textual discourse. Although the nineteenth-century saw major growth in literacy, and some of the working-class were certainly literate, there were serious limitations, particularly for women. According to the University of Oxford's "Our World in Data," in 1860 slightly under 50% of women in England were literate. Of this percentage, many were middle-class women. In addition, the definition of literacy was often measured by the ability to sign one's name in a parish registrar; thus, being literate did not mean having the ability to engage in high level political discourse.

Secondly, a number of shifts in the social landscape working-class women inhabited may have inhibited their participation in repeal activities. Walkowitz explains that, after the 1840s, large amounts of work were industrialized and moved out of the home, so women had increasingly limited access to jobs. The economic shift left working-class women with less financial power, isolated them socially, and carved a wider gap between public and private life. In addition, enfranchisement was expanded to cover more of the working-class male population in 1867, which left working-class women with even less political power relative to their male

counterparts (Walkowitz, 145). These social, economic and political developments likely also contributed to the lack of working-class women's participation in repeal activities.

Furthermore, working-class women were *the* targets of the CD Acts; as such, they had to be careful of their actions, as they could be brought under surveillance and considered suspicious by authorities if they were involved with repeal activities. The CD acts, as well as the discursive constructions created by the repealers and the extentionists, played out on the bodies of these women. Whereas "middle-class 'ladies' could take up the cause of prostitutes with impunity," working-class women "clung to a social respectability based on shakier material foundations" (Walkowitz, 146). Thus, it was in the interest of working-class women not to become too closely aligned with prostitutes and the repealers who sought to help them. They did not have the privilege of being so readily vocal for the repeal cause.

Still, working-class women did resist the CD Acts in a variety of ways, even if they had to operate cautiously within a more rigorous set of social guidelines. Three sites of resistance commonly deployed by women were in the courts, in the domestic sphere, and in the lock hospitals.

### **Resistance in Courts**

Working-class women's resistance in the courts is illustrated by an article which appeared in *The Shield* on the 11th of February, 1871. The article, entitled "Greenwich Police Court," documents an instance in which three women were brought before the court because "they, being subjected to periodical medical examination, had 'willfully neglected and refused' to submit themselves to such examination." The women had all been in lock hospitals already,

then had been discharged. The police asserted “that when a woman left hospital, the course was to wait till it was seen that she intended to continue a life of prostitution, and that then, and not till then, the woman was told that she must attend for examination, and was invited to sign anew the voluntary submission.” The three women in this case had not appeared for the examination or to sign a new voluntary submission (*The Shield*, n.p.).

The event in the Greenwich courts took place a year after the largest push for court-room resistance against the Acts. In 1870, in one of the most widely publicized subjected districts, Plymouth, the height of resistance in the courts came to be known as “The Siege of Devonport.” Following the first successful court case, in which a woman named Harriet Hicks was freed from the mandates of the CD Acts, “Twenty-nine women summoned for non-attendance and non-submission (which had been posted in the hospital as a violation of the law) were brought before magistrates” (Walkowitz, 93). The area around Devonport had 118 CD-acts cases brought before the court in the next few years, and “for a short time brought voluntary submission to an end,” putting a huge burden on the court system. Meanwhile, in Southampton, another area in which the CD acts were highly publicized, “420 CD-Acts cases [were] brought before the magistrates...some Southampton women resisted as many as three, four and five times” (Walkowitz, 93). Given that the year proceeding the newspaper article had involved highly-publicized court resistance, it is not surprising to see that women in Greenwich were resisting similarly in 1871. They had most likely learned from others of the efforts in the courts, and it is also likely that they had been approached by middle-class repealers encouraging working-class women to protest in such a fashion. Working-class women’s resistance in the courts worked by flooding the legal system with an unmanageable load of cases. Clogging the mechanisms for



trying women under the CD Acts in court, women who refused to sign the voluntary submission form or attend medical examinations temporarily broke free of the legal and criminal justice discourses seeking to keep them under control and surveillance.

Middle-class repealers made an enormous effort to support working-class women's protest in the courts, both through educating women on the ways they could legally resist and by contributing funds to hire lawyers to defend them. Middle-class repealers would go to subjected districts to hand out flyers, talk to brothel keepers, and see women in notoriously "low" neighborhoods. For example, Walkowitz describes a flyer distributed by two repealers, E.M. King and Daniel Cooper, entitled "Women of Plymouth and Devonport suffering under the CD Acts!" The flyer referred to the mandatory periodic examinations as "the lowest and grossest insult" and promised help for those who wished to escape this form of degradation. It incited women to "Reform and Resist. Don't go willingly to the examination or to the Hospital, but let them *make you go*" (Walkowitz, 89). King and Cooper provided resources to women - in particular, money for legal fees - should they agree to resist the mandates of the CD acts.

The "Greenwich Police Court" article recorded that the women had "willfully neglected and refused" to attend the examination. The intentionality behind this language suggests that the women knew what they were doing: they had purposefully resisted the Acts. Whether they had gained knowledge of how to do this through middle-class repealers specifically or through learning about the actions of other women is unclear, but what is clear is that their behavior was a mode of protest, not an accident. The fact that there were three of them being tried in court for the same violation of the law at the same time speaks further to the purpose behind their action;

clearly multiple women knew how to resist the Acts legally and in court. They were among the hundreds of other women who resisted in a similar fashion.

The extortionists were caught off guard by the ability of working-class women to resist the Acts in court. "As the Admiralty's chief inspector of hospitals, a Dr. Sloggett, remarked: "(who would) have foreseen that an association could exist of ladies who would employ men known for their skill in legal casuistry to explain to prostitutes all possible methods by which they could evade the provisions of the Acts?" (Walkowitz, 94). In other words: the admiralty and police had not expected legal chaos to erupt, because they did not expect working-class women to be so well informed of their own rights. Other extortionists claimed that middle-class repealers had pressured working-class women into legally resisting the acts. Reverend Fraser, a chaplain in Maidstone, was asked to testify in front of a commission regarding the CD Acts. Asked why many women under the Acts had refused to comply with the authorities, Fraser replied: "The Canterbury girls, I may say without exception, answer that they have been put up to it, and blame those who have been putting them up to it very strongly...the girls told me they were ladies who go into their houses and advise them not to obey the law, and tell them that they will be supported in their resistance of the law." Further, Fraser claimed, "The girls did not express any dislike to the act themselves...They did not say it was offensive to their feelings as women to be subjected to the examination" (Fraser, 4). Fraser's comments deny working-class women any agency, and instead frames their protests as a consequence of following misguided advice from middle-class repealers. Despite such accounts, there is overwhelming evidence that women did indeed find the speculum examinations degrading, and working-class women resisted in courts knowing the consequences involved. In so doing, they claimed agency by making their

situations visible in courts. Through the alliance of middle-class and working-class repealers, women effectively protested the Acts and jammed the legal power mechanisms, even if temporarily.

### **Resistance in the Domestic Sphere**

Another site of working-class resistance was in the domestic sphere. An article in *The Shield* on November 19th, 1870, entitled “Maidstone: An Englishman’s House No Longer His Castle,” recounts such an instance. Sergeant Phipps went to the house of Mrs. Brown, where a woman named Annie Baker was residing. Baker was in a relationship with Mrs. Brown’s son, William Brown, and helped Mrs. Brown with her dressmaking business. Phipps “went to the house of Mrs. Brown, with a warrant for the apprehension of Annie Baker, who had refused to comply with the requirements of the Contagious Diseases Act, and consequently had been committed for 21 days.” While Baker was getting dressed, William Brown came into the house. As he was about to ascend the stairs, Phipps told him not to, while Baker “implored him to come upstairs.” A brief scuffle broke out between Phipps and Brown as Brown began to come up the stairs, in which Phipp’s face was scratched (or, in Phipp’s testimony, Brown struck him three times). While this was happening, Baker escaped from the house. In the court proceedings, it was added by a witness that “there was also another scuffle at the top of the stairs, and that the prisoner [Brown] refused to allow Phipps to enter the girl’s room.” Three other facts came to light in the court case. Firstly, “when the policeman came to her house, Annie Baker said she would go with him if he would get a conveyance as she did not like to go through the streets.”

Secondly, Baker's attorney noted that "a great number of the girls would go to prison rather than submit to the examination. The girl has been advised not to conform with the law." Thirdly, "she was keeping company with the prisoner [Brown], and it was only natural that the latter should feel irritated when he found the constable in the house" (*The Shield*, n.p.). Baker's case offers a number of sites of inquiry.

To begin with, the title of the article, "An Englishman's House No Longer His Castle," refers to the Castle Doctrine. The Castle Doctrine was a legal provision in English Common Law, dating back to a 1572 dispute entitled "Semayne's Case." It was recognized in Common Law after the case. The most authoritative version of it is found in *The Reports of Sir Edward Coke*. The doctrine provides that "The house of every one is his castle...the house of any one is only a privilege for himself" (Coke, 188). Given the Castle Doctrine, it was legal for a woman to defend herself in her own home unless an authority had a warrant to be there. As it happened, Phipps did have a warrant to arrest Baker, so Brown was tried in court. However, other similar cases provided different outcomes. Walkowitz recounts a case involving a woman named Jane Jeffries. When a constable issued a summons to Jeffries in her home, she called her mother to her aid. As the constable began to read the summons, "the mother, Mary Jeffries, quickly interrupted, called him a 'black-looking bugger,' and 'bloody sneak,' at the same time caught hold of him with both hands, pinched him, and endeavored to force him out of the house" (Walkowitz, 94). When Mary was called to court to explain her behavior, she effectively argued that the constable would not leave her home until she assaulted him. Thus, although in Baker's case Brown was tried for assault, he demonstrated the knowledge that the law provided him with the right to protect his home from intrusion. Baker was probably also aware that although Phipps could

come to her house to arrest her, he could not force his way into her home or her room without a warrant.

Secondly, Baker was clearly informed on the ways in which she could resist the acts, most likely due to a repeal agent or women in the community who had been approached by the agents and passed the information on. As her attorney mentioned, Baker had been advised not to comply with the CD Acts and would rather go to prison than submit to the periodic examination. Just as the three women who had been brought to court in Greenwich had refused to submit to the periodic examination, it seems that Baker had refused to comply with the instructions given to her under the Acts.

Thirdly, Baker's reluctance to go with the constable without a private vehicle is illustrative of the public stigmatization prostitutes faced. As previously mentioned, the stigmatization the Acts forced upon prostitutes radically altered their social ties in their communities and their chances for mobilization. The domestic sphere was a common site of the public outing of women, as was the journey to the examiner. For many women, it would be far preferable to be driven to jail by the police for failing to comply with their requests than to be publically escorted through the city to the examiner's room. Baker's request is unsurprising given what was at stake for her.

Lastly, Baker fits the demographic of women most likely to take part in prostitution. Although the article does not list her age, it mentions that William Brown was eighteen years-old. Baker was likely around the same age as Brown. She helped Brown's mother with dressmaking, which was a typical profession for young women who may have also taken part in prostitution at some point. It was also typical for women who entered prostitution to live apart

from their immediate family, as Baker did. Although she was married to Brown, their surnames indicate that they were not married. Unmarried cohabitation was a typical arrangement in a poor, working-class neighborhood. All in all, Baker fits the typical portrait of the nineteenth-century prostitute: a poor, young woman with limited employment options, living apart from her parents, who many have taken part in prostitution to make ends meet.

Baker's resistance in the domestic sphere represents an important mode of protest working-class women took part in. Protest in the home was particularly significant given that authorities used this location to pry prostitutes away from their surrounding communities and separate them out into a distinct category away from other women. By refusing to comply with the officer and running away when she had the chance, Baker disrupted the legal and criminal justice discourses which sought to define her singularly as a prostitute.

### **Resistance in Lock Hospitals**

Another location in which working-class women's protest against the CD Acts was common was in the lock hospitals. An article published in *The Shield* on the 9th of May, 1870, entitled "Chatham: More Proofs of the "Reclaiming" Powers of the Acts," documents an instance of resistance in a lock hospital. According to the article, four women had been charged "with damaging a window frame and 26 panes of glass" in a lock hospital recently opened by the war department. "They committed the damage complained of by throwing the utensils through the windows of their ward." The constable told the magistrate "he believed one or two of the prisoners were dissatisfied with the treatment they received, but there was no ground for their dissatisfaction." Further, the constable noted that "there had been no symptom of insubordination

among the inmates *there* before, although the offense was an *old one* among that class of patients in this district.” The magistrate contended that “persons of their class...must be taught that they must not conduct themselves in this way, and as he found the offence *was not a new one at all* in this locality, he sentenced each of the prisoners to two calendar months’ imprisonment with hard labor” (*The Shield*, n.p.).

Such acts of resistance by women in the lock hospitals, and the response by the constable and magistrate to their actions, is informative in regards to forms of resistance and to common perceptions of the working-class in the nineteenth-century. The form of resistance itself - throwing utensils through a window - is not atypical in its nature. Walkowitz and Walkowitz note that “in good part, their mode of resistance, in particular, the breaking of glass, was stereotyped behavior common to confinement situations. But the extent of the resistance...was noteworthy; it suggests that these women were particularly recalcitrant and resentful of infringements on their freedom” (Walkowitz and Walkowitz, 95). The extent of the protests did vary from one hospital to another, usually based on the conditions of each individual ward. Portsea Hospital, in Portsmouth, was known for its poor conditions, and riots broke out there frequently. Meanwhile, the Royal Albert Hospital in Devonport was a “model” lock ward, and was relatively peaceful in comparison. All this being said, protests occurred throughout the wards, and many were similar to the protest described in the article about Chatham.

Walkowitz and Walkowitz also note that “most protests in the hospitals related more directly to the internal conditions and restrictions than to outside agitation against the CD Acts” (Walkowitz and Walkowitz, 95). This is not to say that the court room agitation did not influence protests within the hospitals, but rather that most moments of resistance in hospitals were

responses to the immediate conditions in lock wards. Even when the courtroom resistance began to dwindle, protests in the lock wards continued - even if to a lesser extent - due to the women's reactions to their immediate conditions. At this point, they used the resources available to them to protest, for example, cutlery. The dissatisfaction of women in the Chatham case is noted in the article: the constable "believed one or two of the prisoners were dissatisfied with the treatment they received." Thus, their agitation in the ward makes sense given their recorded dissatisfaction.

The commentary by the constable and the magistrate regarding the women's resistance demonstrates the imperial logic which was often applied to the working-class. The two men commented that the women's offence - throwing utensils through windows - "*was not a new one at all* in this locality." Moreover, the magistrate commented that people of their class "must be taught that they must not conduct themselves in this way." He asserted that rather than breaking windows, the women should have made a complaint "to the matron," in which case "he had no doubt they would have received any redress to which they were entitled" (*The Shield*, n.p.). The women in the Chatham hospital, throwing cutlery out of windows, are characterized as members of a less developed race, dwelling in a locality in deep need of moral education by middle-class colonizers and surveillance under the CD Acts. In addition, the women are framed as subjects to be examined, analyzed, and taken stock of, so that they could be better ruled by the dominant class.

The protest in the hospitals may not have freed the women from the CD Acts, but it did make their bodies visible in a system that sought to deny them visibility. Throwing cutlery out of windows constituted the women as agentic beings, and their demands for better treatment were heard by their bodily protest if not through their words.



## Conclusion

Through examining the material effects of the CD Acts on working-class women, we can truly see the way that the Acts intended to “clarify the relationship between the unrespectable and respectable poor, and specifically to force prostitutes to accept their status as public women by destroying their private associations with the poor working-class community” (Walkowitz, 192). The authorities sought to separate prostitutes off from the larger working-class communities around them so that they could exercise power via the specification, categorization, and analysis of particular groups of people. In so doing, prostitutes were isolated from their communities and allocated a criminalized and stigmatized status. Given that the CD Acts radically altered the lives of the women brought under its powers, working-class women had many incentives to resist the Acts, despite the inevitable limitations on their modes of protest.

Given the oppressive surveillance, public humiliation, and communal isolation they were subject to, the resistance of registered women is significant. Their legal protests temporarily stumped the magistrates and confounded the efforts by the metropolitan police. Their physical protests in their homes was a rejection of the public outing of their status as prostitutes. The riots in the lock hospitals utilized limited resources available to the women in effective ways. Each of these modes of protest inserted women into the conversation around the CD Acts through their bodies, and they became visible as agents, rather than merely subjects, through their physical protests. In so doing, working-class women interrupted the narratives that constructed them as passive victims of the CD Acts. Despite the many limits the Acts imposed on the bodies of prostitutes, and despite being deprived a voice in the discourse-making process by extensionists

and repealers alike, working-class women were able to claim agency and make their circumstances visible through their protests.

## Epilogue

The repealers waged a sixteen-year campaign against the Contagious Diseases Acts, finally achieving the repeal of the domestic Acts in 1886. Repeal organizations then turned their energy towards overturning the Contagious Diseases Acts in the British colonies. In her study *Prostitution, Race and Politics: Policing Venereal Disease in the British Empire*, Philippa Levine notes that “virtually every British colonial possession was subject in the mid-nineteenth century to contagious diseases (CD) regulations” (Levine, 1). In addition to the CD Acts, some colonies also had other similar pieces of legislation enacted. For example, in 1864, the Cantonment Acts were implemented in British-controlled areas of India, which added to and bolstered the CD Acts. The colonial versions of the CD Acts differed from their domestic counterparts, and repealers worked in Britain and in colonial locations to overhaul the legislation. The Ladies National Association kept up the momentum of their repeal activities, and began self-publishing a newspaper entitled *The Dawn*, in which they contested the discourses the Acts and extensionists created regarding colonial prostitutes. Groups who were native to the colonial areas also took part in repeal organizations. Eventually, the Contagious Diseases Acts in the colonies were repealed in 1888. Even so, other Acts were soon passed in some colonial locations to continue the state regulation of prostitution. For instance, in India, a new Cantonment Act was passed in 1889. Repealers continued to agitate against these new forms of legislation. The Cantonment Acts were ended in 1894, and most other colonial sites saw the end of CD Acts legislation within the 1890s.

The many years of debate between the repealers and the extensionists regarding the Contagious Diseases Acts were a contestation over meaning. By succeeding in their mission to

repeal the Acts, working-class and middle-class women succeeded in shifting the discourses surrounding women, gender, and prostitution, at least in some ways. The Ladies National Association gave middle-class women unprecedented access to the political sphere, laying the groundwork for other movements. Significantly, the CD Acts showed women as skilled political agents, which was an important element of the campaign for women's suffrage a few years after the repeal of the Acts. Many of the women who had been working for repeal organizations transitioned to working towards suffrage. Working-class women also politically organized in incredibly significant ways, asserting their agency in a system which sought to deny them visibility. Although the long-term effects of the Contagious Diseases Acts led to some regressive policies in working-class areas, such as the male control of prostitution, working-class women nevertheless made strong assertions over their right to self-definition by making themselves and their unhappiness with their circumstances visible.

Nevertheless, some of the narratives that were embodied the in Acts persist in contemporary militarism. The presumption that military men require sexual access to women is widespread. For example, take the military relations between South Korea and the United States. Since 1945, the U.S. has had troops in South Korea. During the Korean War, there was a sharp rise in the number of U.S. military men in Korea. After the war ended, some troops left, but the U.S. military has had a continual presence there. In her study *Sex Among Allies: Military Prostitution in U.S. – Korea Relations*, Katherine H.S. Moon explores kijich'on, (military camptowns) for American G. I's in South Korea. Moon reports that "the evolution of camptowns and camptown prostitution as permanent fixtures in American-Korean relations began with the Korean War and the arrival of U.S. troops" (Moon, 27). A treaty between the U.S. and the

Republic of Korea (ROK), called the U.S.-ROK Mutual Defense Treaty, mandated that “entertainers” (code for prostitutes) would be provided for American G. I’s. Kijich’on were created specifically for the purpose of providing bars and brothels for G. I’s while they were on Rest and Relation (R&R).

The sexual double standard that existed in nineteenth-century Britain is extremely evident in the U.S.-ROK policies. Korea is one of the few countries the U.S. military occupies that is labeled a “noncommand – sponsored” tour, meaning that the Department of Defense will not pay for the travel and living costs of family members who accompany soldiers to Korea” (Moon, 36). Therefore, similar to the military in the nineteenth-century, the noncommand-sponsored areas have armies of mostly single men. These men are presumed to require sex, and the presumed need for sexual access is condoned by the U.S. and the ROK. An assemblyman in the Republic of Korea National Assembly said in 1959: “As long as the U.S. continues to stay in the ROK, we must acknowledge that the majority of the troops are single and by human nature want entertainment (sex). It’s better to provide special facilities for them than discuss the problem of prostitution alone” (Moon, 44). The presumed need of military men for sexual access to women is satisfied through a system for the regulation of prostitution in the Kijich’on. The system is eerily similar to that of the Contagious Diseases Acts.

In the Kijich’on, women work in clubs in specific districts set aside for American G. I’s. Moon reports that “in June 1962, by joint action, the Ministries of Justice, Interior, and Social Welfare and related agencies established 104 ‘special districts’ of prostitution...since 1972, approximately 70 such districts have remained in operation” (Moon, 43). The “special districts” in South Korea are comparable to the subjected districts in nineteenth-century Britain. Most

women who sought employment at clubs in the Kijich'on did so for economic reasons: "poverty, together with low class status, has remained the primary reason for women's entry into camptown prostitution" (Moon, 22). Like the women in Britain, prostitutes in South Korea were part of the working-class poor. In order to gain employment in a Kijich'on club, "a woman must go to the local police station to register her name and address and the name of the club where she will be working" (Moon, 18). Similar to the function of the voluntary submission form in Victorian Britain, prostitutes in Korea are registered by the government. After a woman registers, "she must also go to the local VD clinic, undergo gynecological and blood examinations and receive a VD card. To maintain her status as a 'healthy' hostess, she must go once a week for VD examination and get her card stamped 'healthy' by the clinic; 'healthy' means she is free of VD infection" (Moon, 18). If she has a venereal disease, "she cannot work in the club...until the clinic certifies that she is 'healthy.'" To prove that she is registered and "clean," "the club woman must carry the registration and VD card with her at all times" (Moon, 18-19). The weekly examinations Kijich'on prostitutes undergo are comparable to the periodic examinations under the CD Acts. The Kijich'on prostitutes are extremely stigmatized in South Korea: "the vast majority of these women have experienced in common the pain of contempt and stigma from the mainstream Korean society" (Moon, 3). Just as the CD Acts served to separate prostitutes from their surrounding communities, the system of regulation of Kijich'on prostitutes stigmatizes women and traps them in long-term prostitution. Although the amount of prostitutes catering specifically to American G.I.s in South Korea has decreased, in her article "The Construction of Military Prostitution in South Korea during the U.S. Military Rule, 1945-1948," Na Young Lee asserts that "the United States had at least 35,000 troops in South Korea in the early 2000s" (Lee,

453). So long as there are still U.S. troops in South Korea, there will be prostitutes to cater to them.

South Korea is just one of many examples of the legacy of the Contagious Diseases Acts and similar legislation. Lee asserts that “the sex trade in the vicinity of military bases is ubiquitous” (Lee, 455). Although state-sanctioned prostitution for military men is usually not as explicit as the CD Acts were, national and international agreements pertaining to military bases and towns usually ensure sex is available for soldiers and sailors, even if state authorities pay lip service to the illegality or disapproval of such arrangements. Sometimes prostitutes are coded as “entertainers” or “waitresses,” and other times municipal governments are tasked with ensuring brothels are available to the military while high-level governance structures turn a blind eye.

When legislation is coded ambiguously, news accounts of prostitution stings can fill in the missing information. For instance, in the last two years, personnel the United States’ three largest domestic military bases have been implicated in crimes involving sex workers. Fort Bragg, in South Carolina, is the largest military base in the U.S. On January 15<sup>th</sup>, 2017, Monica Vendituoli reported in the *Fayetteville Observer* that “as part of a sting operation, the Fayetteville Police Department charged fourteen people with asking undercover officers to perform sex acts in exchange for money.” Of the fourteen, “two of the people arrested were soldiers, according to reports” (Vendituoli, n.p.). Fort Campbell, in Kentucky, is the second largest U.S. military base. On March 20<sup>th</sup>, 2016, *Clarksville Now* reported that eight men were arrested in a prostitution sting. Three of the eight people were from Fort Campbell (*Clarksville Now*, n.p.). Fort Hood, in Texas, is the third largest military base in the U.S. M.L. Nestel of *The Daily Beast* reported in 2015 that Sergeant Gregory McQueen, who worked at Fort Hood, was

found pimping subordinate “cash-strapped” female soldiers to higher-ranking officers. Among McQueen’s exploits were his regular “sex parties,” where the women “would be paraded at McQueen’s parties attended by senior officers as part of a wink-wink agreement that there would be booze and women for their enjoyment” (Nestel, n.p.). The list goes on. The bottom line is, where there are military bases, there are sex workers, because the presumed need of men – in particularly military men – for sexual access is entrenched in today’s military institutions to the same extent as it was in the nineteenth-century.

The stakes for women who are used to provide sex to the military today may not be identical to that of working-class women in nineteenth-century Britain, but they are not dissimilar by any means. One-hundred and fifty-three years after the first Contagious Diseases Act was passed, women are still being defined by military authorities as necessary for men’s sexual needs. Great strides have been made; it would be difficult for a state to pass laws as explicit as the CD Acts in our contemporary moment. But there is still a lot of work to be done. Perhaps we can look to the repealers for guidance as we move forward. Clearly, the military and state discourses around women, gender, and sexuality continue to construct women and prostitutes in problematic ways. Scholarship, journalism, and non-profits can challenge the dominant discursive constructions of military prostitutes, as the repealers did. By examining the short comings of the cross-class alliance of the repealers, we can reflect on the best way to bring all of the necessary voices to the table to ensure the outcome of our political strategy does not negatively affect those we want to help. The longevity of the repeal movement is informative as to the long-term strategies needed to create meaningful change. The repealers were given the derogatory name “The Shrieking Sisterhood” by their critiques in the nineteenth-century. It may



well be time to revive and reclaim The Shrieking Sisterhood, for the causes of our own contemporary moment.

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