

PROSTITUTION AND THE CORSET:
PROSTITUTION AS A REPRESENTATION OF THE POSITION OF WOMEN IN
BRITISH SOCIETY FROM 1850-1914

by

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Prostitution and the Corset: Prostitution as a Representation of the Position of Women in British Society from 1850-1914

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ABSTRACT

Rather than discuss what historian Shani D’Cruze explains as a “Victorian preoccupation with the symbolic role of the prostitute in society as the personification of disorderly female sexuality and the cultural counterbalance with the chaste middle-class wife,” this work argues that prostitutes signify an exaggerated example of the inferior social position of all women in Victorian society.¹ Indeed, prostitutes draw public attention to what historian Mary Lyndon Shanley, characterizes as “the economic and political, as well as the social and sexual, domination of women by men.”² Between 1850 and 1914, prostitution as an industry highlighted and depended on a population of women already made vulnerable by gender-biased legal, criminal, social, and domestic frameworks during this period and the men who dominated society. The articles published in the *Times* provide a stimulating lens through which to view how prostitution highlighted the gender inequality prevalent in the legal, criminal, social and domestic frameworks.

The form and content of this abstract have been approved. I recommend its publication.

Approved: Marjorie Levine-Clark

¹ Shani D’Cruze, *Crimes of Outrage: Sex, Violence and Victorian Working Women*, (DeKalb, IL: Northern Illinois University Press, 1998), 3.

² Mary Lyndon Shanley, *Feminism, Marriage, and the Law in Victorian England, 1850-1895*, (Princeton: Princeton University Press, 1989), 80.

DEDICATION

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CHAPTER I

INTRODUCTION

At age nineteen, Rose Hunt was not new to a life of despondency. According to the London *Times*, “Her history is a very deplorable one, and presents a melancholy example of the way in which the streets of London are replenished with victims.”¹ According to her own admission, Rose had previously spent four years living as a prostitute in one of the darkest and most dangerous areas of London. Charged with “having attempted to commit self-destruction” in what she characterized as a desperate attempt to absolve herself of her sins, she explained her fall from grace to the police court in March of 1850.² She presented herself as a wayward youth, struggling to make ends meet while living in a house of prostitution, fighting for her own survival. She related that she found herself in the company of a corrupting influence, who led her into a life of sin, which she so deeply regretted that she “would prefer death this instant.”³ While her testimony emphasized her desperation, Rose was guilty of a crime in the eyes of the law. Yet, according to the article, her prosecution for prostitution also represented her salvation. The courts referred her to a social committee designed to help suffering girls like her to reclaim their lives. Her last words to the court were appreciative and not unexpected, “May God Bless you for saving me.”⁴

Victorian society depended upon a nuanced yet overt patriarchy. Based on principles that pre-dated the Victorian era, men were masters of their homes and their

¹ “Police,” *The Times*, March 28, 1850, 8.

² *Ibid.*, 8.

³ *Ibid.*, 8.

⁴ *Ibid.*, 8.

wives. Many Victorian institutions, especially marriage, reflected an understanding that it was natural for men to have power over women. Women depended on men, and as Mary Lyndon Shanley explains, “A woman’s sexual and reproductive capacities, not her other abilities, assigned her both her proper sphere in society and her rights under the law.”⁵ Thus, women exerted their influence in the home, the center of domestic life. Historian John Gillis explains that, in some marriages, “The burden of maintaining a modicum of respectability fell largely to the woman, who labored, scrimped, went sleepless and hungry, and even prostituted herself in order to meet the standards of a happy home life.”⁶ He argues that women held the responsibility for the household and this conflicted with what prostitution represented. Prostitution, at its core, went against the societal expectation of femininity because it provided an avenue for women’s existence outside of the home, in the public sphere and exposed the presumed rampant sexual desires of women.

The traditional perception of women in Victorian England is of a literal and metaphorical corset: straight, rigid, and constraining and the social and legal practices during this period reinforce this imagery. Historian Jeffrey Weeks points to the significance of the double standard that “enjoined chastity on the female while allowing a large degree of sexual freedom for the male.”⁷ Rigid gender norms emphasized the very different social expectations for men and women. Society expected men to be sexual beings, and prostitutes provided an outlet for their natural desires. Yet, society expected

⁵ Mary Lyndon Shanley, *Feminism, Marriage, and the Law in Victorian England, 1850-1895*, (Princeton: Princeton University Press, 1989), 80.

⁶ John R. Gillis, *For Better or Worse: British Marriage 1600 to Present*, (New York: Oxford University Press, 1985), 248.

⁷ Jeffrey Weeks, *Sex, Politics, and Society*, (New York: Longman, 1981), 22.

women to be paragons of purity, and women's participation in prostitution meant that they besmirched their role by seeking out sex in a very public way.

Prostitutes challenged Victorian ideals, but they are also an example of the exaggerated position of all women between 1850 and 1914. Women had no rights to own property or to their children until the passage of the Property Acts of 1870, 1882, and the Infant Custody Act of 1886.⁸ Indeed, the principle of coverture, which defined Victorian marriage, meant that upon marriage a woman lost her legal identity and could no longer enter into any contract without permission of her husband. In effect, the wife became the property of her husband.⁹ This meant, that married women had little or no control over their financial well-being.¹⁰ Participation in prostitution created income and provided a small modicum of control of their environment, even if it came at the price of selling their bodies. Laws that targeted their behavior as both socially and physically dangerous further identified these women as in conflict with their gender-repressed society. To understand the significance of prostitutes and prostitution, the key is their relationship with the gender-biased norms of Victorian society.

Rather than discuss what historian Shani D'Cruze explains as a "Victorian preoccupation with the symbolic role of the prostitute in society as the personification of disorderly female sexuality and the cultural counterbalance with the chaste middle-class wife," this work argues that prostitutes signify an exaggerated example of the inferior social position of all women in Victorian society.¹¹ Indeed, prostitutes draw public

⁸ Lyndon Shanley, 49, 131.

⁹ Ibid., 22.

¹⁰ Ibid., 16.

¹¹ Shani D'Cruze, *Crimes of Outrage: Sex, Violence and Victorian Working Women*, (DeKalb, IL: Northern Illinois University Press, 1998), 3.

attention to what historian Mary Lyndon Shanley, characterizes as “the economic and political, as well as the social and sexual, domination of women by men.”¹² Prostitution was a physical transaction that demonstrated the idea that women served men, and it was widespread in Victorian culture.¹³ Between 1850 and 1914, prostitution as an industry highlighted and depended on a population of women already made vulnerable by gender-biased legal, criminal, social, and domestic frameworks during this period and by the men who dominated society.

In the drawing rooms and social clubs of London, readers of the *Times* found the stories of prostitution in several locations in the newspaper: the police column, the various court columns, and divorce notices. In the police columns, the *Times* portrayed prostitutes as criminals or worse, habitual offenders who deserved no sympathy. The various court columns also used this type of language and also tried to create an association in the readers’ mind that prostitution led to other criminal acts. Finally, the divorce notices allowed the *Times* to discuss prostitution as involved in the destruction of another valued institution, marriage. In general, the *Times* used the term prostitute loosely to mean any female who participated in sexual acts for money and only occasionally distinguished women who habitually did so from those who did so casually. For the *Times*, prostitution represented an expansive term that included casual, or prostitutes who participated irregularly, and more business-like brothels. This work utilizes these terms similarly because it uses the *Times* as a lens for understanding Victorian society between 1850 and 1914.

¹² Lyndon Shanley, *Feminism, Marriage, and the Law in Victorian England, 1850-1895*, 80.

¹³ Anna Clark, “Whores and Gossips: Sexual Reputation in London 1770-1825,” in *Current Issues in Women’s History*, ed. Arina Angerman, et al., (London: Routledge, 1989) 232.

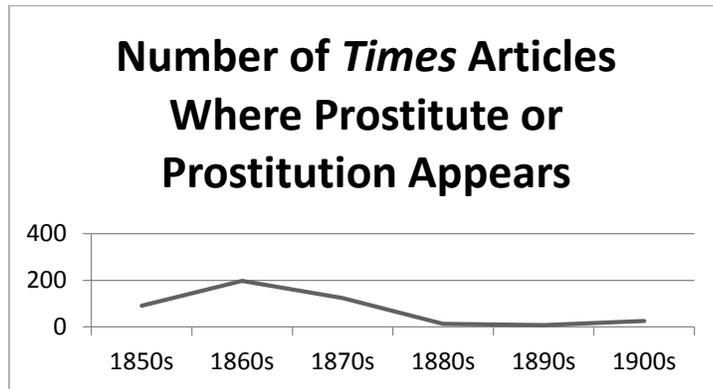


Figure 1: This figure illustrates the number of articles that contained the words prostitute or prostitution published in the *Times* during each decade from 1850-1914.

The number of *Times* articles that discussed prostitution reflect a fluctuating interest in this subject between 1850 and 1914, and provide interesting insights into the changing public attitudes about gender inequality during this period. To study prostitution, I will look at the way prostitutes appeared in the *Times*, in order to show how they were dramatic, public examples of all Victorian women. The *Times* is an excellent source to explore these issues because of its prominence in British culture. According to historian Kevin Williams, author of *Read All of About It! A History of the British Newspaper*, the *Times* was one of the most respected newspapers in Britain.¹⁴ The *Times*, largely due to the influence of a series of excellent editors, expanded its influence as a newspaper of repute and respectability.¹⁵ Strong growth in readership,

¹⁴ Kevin Williams, *Read All of About It! A History of the British Newspaper*, (New York: Routledge, 2010), 84.

¹⁵ *Ibid.*, 82.

from 5,000 in 1815 to 40,000 in 1850, demonstrates that the *Times* reflected interests of English middle class culture during this period.¹⁶

Consistently, articles published in the *Times* used the term prostitute as a very general description of a female criminal. While historian Julia Laite argues, “it is fundamentally important to recognize the distinctions between doing prostitution and being a prostitute, and the difference between being a prostitute and being called one,” the *Times* ignored the first two types and focused only on the third.¹⁷ Therefore, for the purposes of this essay, the term prostitute describes any woman believed to participate in prostitution or the selling sex for money. The *Times* did not distinguish between those women casually involved in prostitution and those housed in brothels for the purposes of prostitution and neither does this work. However, the majority of the cases published in the *Times* focused on whether a prostitute was actually engaged in the alleged act or whether, as they argued, the police or public wrongly labelled them. As historian Anna Clark explains, even during this era, the definition of prostitute changed. She explains that according to some, “any woman who indulged in extra-marital sex was a prostitute.”¹⁸ The *Times* creates the framework for the analysis in this work because of the fluidity of the language that discussed prostitution during this period.

¹⁶ “The Times,” accessed October 13, 2013, <http://www.britannica.com/EBchecked/topic/596228/The-Times>.

¹⁷ Julia Laite, *Common Prostitutes and Ordinary Citizens: Commercial Sex in London, 1885-1960*, (New York: Palgrave Macmillan, 2012), 26.

¹⁸ Clark, “Whores and Gossips: Sexual Reputation in London 1770-1825,” in *Current Issues in Women’s History*, 232.

CHAPTER II

HISTORIOGRAPHY

According to historians like Judith Walkowitz, Paula Bartley and Julia Laite, the crux of understanding prostitution in Victorian England is that prostitutes were vulnerable in many ways: economically, socially, and sexually. Victorian ideals placed the responsibility on women to be the paragons of purity, and historians like Jeffrey Weeks are quick to point out that this restrictive understanding of sexuality ignored the complexity of prostitution. It would be too simple, as historian Judith Walkowitz explains, to think that prostitution was only about sex. As she states in her book, *Prostitution and Victorian Society*, when women were “Placed in a vulnerable economic and social position, some women may have found the shorter hours and better pay of prostitution a temporary solution to their immediate difficulties.”¹⁹ In many ways, historians, like Walkowitz, arrived at the conclusion that prostitution was an almost natural product of Victorian society, because it was a necessary answer to many problems, i.e. to satisfy the natural sexual desires of men and provide additional income for desperate women. However, this ignored the idea that prostitution would exist in any society driven by gender biases against women. While the various vulnerabilities of these women are important in understanding their participation in prostitution, they were disadvantaged because they were women first, and prostitutes second.

The mere presence of prostitutes in the streets made them representations of sexual practices outside the accepted societal norms. According to historian Deborah

¹⁹ Judith Walkowitz, *Prostitution and Victorian Society: Women, Class and the State*, (Cambridge: Cambridge University Press, 1980), 14.

Epstein Nord, prostitutes represented a principle intrinsic to Victorian society during this period, “that in the eyes of society all women who wander beyond the bounds of domestic or sanctioned public space bear the mark of sexual taint and suspect economic independence.”²⁰ Victorian society possessed very explicit ideas regarding what women were allowed to do, be, and where they could do so and prostitution challenged these ideals. As historian Julia Laite explains, “Prostitution is rooted in highly gendered and moral beliefs about female and male sexuality, women’s labor and the status of women within society.”²¹ Prostitution existed, she argues, as a direct result of the gendered understanding of society. The perspectives of both of these historians support the connection between the experiences of prostitutes and the experiences of women in society. However, they do not try to argue that prostitutes are the most obvious example of the way Victorian society constrained the role of women.

Instead, Judith Walkowitz, has painstakingly explained the lives of prostitutes and worked to tell their individual stories with an emphasis on economic vulnerability. To understand the motivating economic factors that affected women who went into prostitution, one must look deeper than desperation or sheer economic want. As she explains, “Poverty seems to have been a principal cause for women’s move into prostitution, but most women were not driven to prostitution from ‘sheer want,’ at the point of actual starvation.”²² Prostitutes were a diverse group of women, some women participated in prostitution casually to supplement their income from other work, and others participated in prostitution as their only source of income. Walkowitz argues that

²⁰ Deborah Epstein Nord, *Walking the Victorian Streets: Women, Representation and the City*, (Ithaca, NY: Cornell University Press, 1995), 135.

²¹ Laite, *Common Prostitutes, Ordinary Citizens*, 30.

²² *Ibid.*, 19.

women had very few opportunities to stray outside of their gender role, which drastically limited their ability to find higher paying jobs.²³ Walkowitz's analysis makes it clear that she sees a lack of economic resources as an important cause of prostitution.²⁴

The key to understanding this economic vulnerability is seeing prostitution as the product of a gender-prejudiced labor market.²⁵ Like Walkowitz, historian Paula Bartley, author of *Prostitution: Prevention and Reform in England 1860-1914*, emphasizes the idea that if women had other options, they would not have sold their bodies.²⁶ Furthermore, according to Bartley, prostitution was an industry dependent on the excessive wealth of men. As she explains, "prostitution was based on the inequitable distribution of wealth: it needed one section of the community, namely men, to have enough surplus money to be able to afford to pay for the sexual services of another section of the community, namely women, who were financially less well off."²⁷ When taken together, Walkowitz and Bartley argued that the sources of prostitution were gender inequality within the labor market and unequal distribution of wealth. The efforts of both Walkowitz and Bartley emphasized the complexity of the economic motivations of prostitutes in an effort to counter the argument that greed or poverty alone motivated these women to engage in prostitution. In their efforts to illuminate the motivations of prostitutes, they missed an opportunity to expand further the discussion of prostitution and its relationship to a sexually repressed Victorian society.

²³ Walkowitz, *Prostitution and Victorian Society*, 19.

²⁴ *Ibid.*, 19.

²⁵ *Ibid.*, 20.

²⁶ Bartley, *Prostitution: Prevention and Reform in England 1860-1914*, (London: Routledge, 2000), 2.

²⁷ *Ibid.*, 9.

Sexuality pervaded Victorian culture and, historian Michael Mason explains, “street prostitution [is] among the most notorious topics in the sexual culture of the period.”²⁸ Mason’s work examines the differences between the factual data about the prevalence of prostitution and the perceptions of the public. He vividly describes Londoners’ fear of sexual licentiousness in their streets.²⁹ Historian Jeffrey Weeks argues that the accepted practices of the time allowed for less sexual freedom for women, yet simultaneously created an environment that allowed men to pursue sex outside of marriage.³⁰ This created a dichotomy of roles for women; they were wives who engaged in sex only within their marriage, or they were the prostitutes. One category of women represented sexual purity, and the other existed to fulfill the desires of men.³¹ Prostitutes forced society to confront its sexuality and this made them exceedingly vulnerable, as representations of what Victorians worked so hard to ignore.

Historian Judith Walkowitz pointed to the passage of the Contagious Disease Acts of 1864, 1866 and 1869, as strong evidence of the legal and sexual vulnerability of women during this period.³² The Acts brought prostitution into the greater discussion about public health and highlighted the sexual vulnerability of women who participated in sex outside of marriage. The CD Acts subjected women suspected of prostitution in the port cities to medical examinations without their consent. If the compulsory examinations found evidence of venereal disease, authorities placed these women in hospitals until they could prove that they no longer posed a medical danger to society.³³

²⁸ Michael Mason, *The Making of Victorian Sexuality*, (Oxford: Oxford University Press, 1994), 73.

²⁹ *Ibid.*, 78.

³⁰ Weeks, *Sex, Politics, and Society*, 22.

³¹ *Ibid.*, 22.

³² Walkowitz, *Prostitution and Victorian Society*, 2.

³³ Laite, *Common Prostitutes and Ordinary Citizens*, 7.

The CD Acts blamed women for the spread of venereal disease and forced them to surrender their personal rights to protect the public. Men could also carry venereal diseases but, until the late 1880s, the laws targeted only the dangers prostitutes represented and not the men paying them.³⁴ Laws like the CD Acts sought to control prostitution, because of the dangers that prostitutes posed to society. This negative perception of prostitutes also informed society's treatment of these women, which demonstrates their vulnerability.

Many of the historians who have studied prostitution typically conclude that participation in prostitution represented a culmination of the various vulnerabilities of women during this period.³⁵ However, all women faced economic, social and sexual vulnerability as a direct result of a gender-biased society. Prostitutes were the most noticeable, public representations of the subservient position of women. Viewing prostitution through the lens of the *Times*, this study illustrates how prostitution as an industry highlighted and depended on a population of women already made vulnerable by gender biases present in the legal, domestic, and social frameworks of the time.

³⁴ "Rogues and Vagabonds.-An Act to amend," *The Times*, October 12, 1898, 5.

³⁵ Bartley, *Prostitution: Prevention and Reform in England 1860-1914*, Laite. *Common Prostitutes and Ordinary Citizen*, Walkowitz, *Prostitution and Victorian Society*.

CHAPTER III

PROSTITUTION AND THE LAW

To gain a better understanding of the legal disadvantages prostitutes faced, understanding the interactions between prostitutes and the law is very important. In a sense, the laws constructed prostitution as a “problem.” Most of the nineteenth century legislation, until almost the turn of the twentieth century, focused on the participation of women in prostitution and ignored the men who paid for their services. Furthermore, the gender biased legal system made it difficult for women to defend themselves against charges of prostitution. The legislation during this period targeted what lawmakers and the public perceived was a harmful, criminal population of women who made their living by encouraging vice amongst the upstanding male citizens of London.

One of the most significant laws regarding prostitution was the Vagrancy Act of 1824. According to Julia Laite, the law “addressed all manner of unruly, immoral, and offensive behavior, and introduced sections that allowed police and night watchmen to arrest ‘common prostitutes behaving in a riotous or indecent manner.’”³⁶ This law marked the beginning of a new stage of attention to prostitutes as part of a broader movement to control criminal behavior. In essence, as Lesley Hall explains, “Prostitutes were subject to Vagrancy Acts and local by-laws making it an offence for them to create a nuisance: soliciting was defined as a nuisance, and indeed being a prostitute looking for business was quite often deemed to be a nuisance itself.”³⁷ Thus, these laws constructed the language with which police could prosecute prostitutes. The wording of this law was

³⁶ Laite, *Common Prostitutes and Ordinary Citizens*, 6.

³⁷ Lesley Hall, *Sex, Gender and Social Change Since 1880*, (New York: St. Martin’s Press, 2000), 21.

important because it sought to protect the innocent public from the possibility of encountering belligerent and ill-behaved women who intruded into public spaces. However, no law made prostitution or selling sex illegal.³⁸ Instead, they created a new identity for prostitutes as nuisances to society.

In 1839, the passage of the Metropolitan Police Act contributed to this new legal identity for prostitutes by further limiting the behavior of women in the streets. Julia Laite argues that, this Act was significant because it “included a clause prohibiting any ‘common prostitute’ from soliciting to the annoyance of inhabitants or passengers.”³⁹ The legislation did not include definitions of broad categories like “common prostitute” and annoyance, but it did lay out the investigative procedure for police to follow. According to the Act, the police had to first to prove that a woman was a prostitute and then that she annoyed others in the street. The language of this law is important, because it sought to limit prostitutes’ interactions with the public. Indeed, this legislation specifically tried to turn the public against prostitutes because it required witness testimony to prove that annoyance occurred. In this way, the law reinforced the connection of prostitutes with criminals by creating a separate criminal identity for them, associating them with petty crime and making them increasingly unwelcome in the streets.⁴⁰

Consistently, the wording of the articles in the *Times* also framed prostitution as a nuisance to the respectable public. For example, in February of 1865, the *Times* published an article about two women who faced charges of “loitering in Regent Street to

³⁸ Laite, *Common Prostitutes and Ordinary Citizens*, 6.

³⁹ *Ibid.*, 6.

⁴⁰ “Police,” *The Times*, August 10, 1855, 10.

the annoyance of inhabitants.”⁴¹ Under the Metropolitan Police Act, the alleged annoyance caused by these women constituted a crime.⁴² The police testified that the accused were prostitutes, and the prosecution needed no other evidence against them beyond the way the police perceived their identity. In this case, “Police-constable Cane, C 35, knew the prisoners to be prostitutes,” and the court accepted his testimony without question.⁴³ Even though the evidence against these women was limited, the courts convicted them, and the portrayal of this legal proceeding in the *Times* did not indicate any suspicions regarding the officer’s testimony. This acceptance of the court’s judgment demonstrated how the protection of the public was, in some cases, judged more important than the rights of individual women.

Victorians believed that prostitutes represented a danger to public health, and fear of venereal disease precipitated the passage of the Contagious Disease Acts (CD Acts) in 1864, 1866 and 1869.⁴⁴ Under the Acts, women found in port cities suspected of prostitution faced intrusive medical examinations without their consent and lengthy hospitalizations if doctors found evidence of venereal disease.⁴⁵ The supporters of the CD Acts considered prostitutes and the venereal diseases that they allegedly carried as a danger to soldiers and the public, because the nature of their business meant they encountered single and married men alike who would then expose their sweethearts and wives.⁴⁶ Feminists opposed to the CD Acts, like Josephine Butler, Lydia Becker, and Elizabeth Wolstenholme, characterized the laws as an extension of the “interlocking

⁴¹ “Marlborough Street.-Matilda Schultz was charged,” *The Times*, February 20, 1865, 11.

⁴² Laite, *Common Prostitutes and Ordinary Citizens*, 6.

⁴³ “Marlborough Street.-Matilda Schultz was charged,” *The Times*, February 20, 1865, 11.

⁴⁴ Walkowitz, *Prostitution and Victorian Society*, 71.

⁴⁵ Laite, *Common Prostitutes and Ordinary Citizens*, 7.

⁴⁶ A. James Hammerton, *Cruelty and Companionship: Conflict in Nineteenth-Century Married Life*, (London: Routledge, 1992), 109.

system of sexual, economic, and political domination” of men over women.⁴⁷ They argued that, in order to protect male soldiers in port towns, women on the street were compelled to surrender their privacy and faced legally sanctioned medical and social scrutiny.

Efforts to repeal the CD Acts began almost as soon as they went into effect in 1864. Women in opposition to the Acts quickly established the Ladies’ National Association (LNA) to protest the “sexual double standard that lay at the heart of the Acts.”⁴⁸ Members of the LNA argued that the Acts allowed for men’s continued physical and legal domination over women. They also pointed out that the Acts addressed the spread of venereal disease while validating the interaction of soldiers with prostitutes as acceptable.⁴⁹ Feminists, like Josephine Butler, agitated for Parliament to “cease legislating for women on the basis of their sexual and reproductive capacities.”⁵⁰ Her arguments highlighted the difficult position of all women by pointing out the ways that the law restricted women and especially women who tried to use public spaces.

According to Mary Lyndon Shanley, “The C.D. Acts were, in their eyes, a glaring manifestation not only of men’s victimization of women, but of an all-male Parliament’s unwillingness either to protect women or to grant them equal rights with men.”⁵¹ Thus, the feminists argued, the vague language of laws regarding prostitution exposed all women to unnecessary dangers by generally targeting any woman found in public.⁵² In agreement with the feminists, but perhaps not for the same reasons, some members of the

⁴⁷ Lyndon Shanley, *Feminism, Marriage and the Law in Victorian England 1850-1895*, 81.

⁴⁸ *Ibid.*, 83, 84.

⁴⁹ *Ibid.*, 83, 84.

⁵⁰ *Ibid.*, 102.

⁵¹ *Ibid.*, 86.

⁵² Laite, *Common Prostitutes and Ordinary Citizens*, 71.

public felt the Acts were insufficient to address the much larger issue of prostitution. In an article published in 1868, one author explained that there were not enough lock hospitals to address the need in Aldershot, Chatham, and Portsmouth. The author also eloquently explained, “society neither reforms the prostitute nor checks disease by hunting her down, or chasing her from one haunt to another.”⁵³ This article stressed the complexity of the issue of prostitution, and lamented that the law was not sufficiently informed to address all the aspects of this industry.

The law created the vague category of common prostitute, but left the interpretation of what they looked like and how they acted at the discretion of the individuals that encountered them. Ordinary women walking in the streets faced the possibility of misidentification as prostitutes by the police or other members of the public.⁵⁴ This created an interesting situation for women trying to navigate public spaces, because society based their judgments on a vague legal category and an established cultural idea defined by fear. After all, as Judith Walkowitz explains, “Women’s presence in the public world provoked a heightened sense of sexual antagonism and reinforced assumptions of sexual difference.”⁵⁵ Legislation like the CD Acts provided the impetus for a confrontation of the conflicting interests of those who sought prostitutes and those who wanted the industry abolished.

The opinion of the *Times* on the success of the CD Acts is difficult to discern, because it published so few articles that analyzed them in any detail. Instead, the CD Acts appeared, in Letters to the Editor trying to incite the public to action. For example,

⁵³ M.R. “The Contagious Disease Acts,” *The Times*, February 6, 1868, 8.

⁵⁴ Clark, “Whores and Gossips,” in *Current Issues in Women’s History*, 235.

⁵⁵ Walkowitz, *City of Dreadful Delight*, 7.

a letter published in 1868 discussed the positive impact of the CD Acts in several coastal towns and proposed an extension of the laws to larger towns like London because of their effectiveness. The author argued,

the law can do much to diminish mortality arising from contagious disease, preventing the prostitute from plying her trade in public thoroughfares, and to some extent keeping temptation out of the way of the thoughtless and the irresolute, and above all, shelter and protect those miserable women, whom circumstances, ignorance or want have drawn into such an abyss of woe.⁵⁶

The author's perspective is interesting because it sympathizes with the difficult situation that prostitutes found themselves in. However, he further argued that venereal disease decreased because of the CD Acts.⁵⁷ Letters to the Editor like this one highlighted the idea that the public believed that prostitutes created dangers to public health, but also demonstrated how complex the issue of prostitution actually was.

Victorian feminists argued that the CD Acts represented an excuse for the violation of women's rights in the name of prevention and made a concerted effort to keep the human element prominent in the public's mind. An article published in the *Times* in 1882 eloquently explained one of the popular objections to the CD Acts when it stated, "the more successful the Acts may have proved from a sanitary point of view, the more objectionable they are from a moral point of view."⁵⁸ In other words, seeing the CD Acts as a purely medical issue perpetuated a lack of consideration of the issue as a civil rights issue for women. As historian Lesley Hall explains, "These diseases were however understood as the result of vice and promiscuity, and thus largely located within the bodies of prostitutes (men being defined as victims of the diseases rather than as

⁵⁶ M.R. "The Contagious Disease Acts," *The Times*, February 6, 1868, 8.

⁵⁷ *Ibid.*, 8.

⁵⁸ "The Contagious Diseases Acts," *The Times*, August 11, 1882, 5.

themselves instrumental in their circulation).”⁵⁹ Legislators focused on the physical dangers they believed prostitutes presented and forced these women to surrender their privacy to safeguard the health of British soldiers.

In general, the articles in the *Times* indicate that the CD Acts were moderately successful in curbing the venereal disease that prostitutes carried.⁶⁰ An 1882 article detailed an extensive Parliamentary investigation on prostitution and venereal disease that included testimony from seventy-one witnesses. The Commission concluded that the reduction in venereal disease outweighed the risks of possible misidentification of women in the streets as prostitutes. After all, the investigators argued, they found no evidence of any woman who was wrongfully accused. To make their argument, the commission emphasized the prevalence of venereal disease among the Irish as evidence that without the Acts, Britain would experience an upswing of vice and disease.⁶¹ However, even after such an in-depth investigation, the Committee also acknowledged that there was not enough public support to extend the Acts.⁶² Without the Acts to control the behavior of prostitutes, legislators tried other means to restrict the presence of women in public spaces.

After the passage of the CD Acts, and the identification of prostitutes as public health dangers, new Licensing Laws more clearly defined what behavior was appropriate in public houses. Earlier laws, including the Alehouse Act of 1828 explained that, “the landlord was not to permit drunkenness, disorderly conduct, unlawful games or the assembly of persons of notoriously bad character,” but did not mention prostitution

⁵⁹ Hall, *Sex, Gender and Social Change in Britain Since 1880*, 22.

⁶⁰ “The Contagious Diseases Acts,” *The Times*, August 11, 1882, 5.

⁶¹ *Ibid.*, 5.

⁶² *Ibid.*, 5.

specifically.⁶³ However, by the 1870s, the licensing process for public houses became increasingly complicated because of the public concern regarding prostitution.⁶⁴ The penalty, according to an article published in 1872, for a licensed public house charged with allowing prostitutes to congregate on the premises included heavy fines and loss of liquor license.⁶⁵ The article stated, “the premises are not to become or to be used as a common brothel, and that no prostitutes, reputed thieves, or other persons of notoriously bad character shall be harboured.”⁶⁶ The rules were clear, but the language deceptively broad. Cases prosecuted during this decade suggested that women who remained in public houses longer than what society expected ran the risk of the police assuming their purpose was immoral.⁶⁷

Likewise, legislators targeted another place where prostitutes congregated, the brothel. The passage of the Criminal Law Amendment Act in 1885 made brothels illegal, which changed the dynamic of prostitution.⁶⁸ Making brothels illegal was significant because it targeted the non-public part of the industry. Prostitutes who worked in brothels represented the more organized and the part of the industry that viewed prostitution as a chance for regular income. After the Vagrancy Act and Metropolitan Police Act deemed prostitution an annoyance, many prostitutes moved their business indoors to avoid the increased scrutiny in the streets.⁶⁹ Laite argues that the specificity of the law changed the industry of prostitution and created new relationships between

⁶³ J. Parry Lewis, *Freedom to Drink: A Critical Review of the Development of the Licensing Laws and Proposals for Reform*, (London: The Institute of Economic Affairs, 1985), 16.

⁶⁴ “Rival Licensing Bills,” *The Times*, May 10, 1872, 5.

⁶⁵ *Ibid.*, 5.

⁶⁶ *Ibid.*, 5.

⁶⁷ *Ibid.*, 5.

⁶⁸ Laite, *Common Prostitutes and Ordinary Citizens*, 7.

⁶⁹ *Ibid.*, 15.

prostitutes and their various protectors but did little to decrease prostitution.⁷⁰ The passage of this law went largely unnoticed in the *Times*, even after the furor that accompanied the passage of the CD Acts twenty years earlier. Perhaps this legislation received a better response than the CD Acts because it was directed at houses of ill-repute and not at the participants directly.

Sixteen years later, in 1898, the *Times* published a notice of an update to the 1824 Vagrancy Act, which recognized the participation of men in prostitution for the first time. The new law included provisions that labeled any man who knowingly consorted with a prostitute or lived off the earnings of a prostitute as “a rogue and a vagabond.”⁷¹ In other words, at the close of the decade, readers of the *Times* saw a different, perhaps less gender-biased legal response to prostitution. According to one article, “The men of this class in London-especially those of foreign nationalities, thousands of whom live in the way indicated-are keenly alive to the provisions of the Act.”⁷² The *Times* painted a picture of a mass exodus of men and prostitutes from London to Scotland, Australia, and the Cape, where the new Act did not apply.⁷³ This law represented a nexus of several prevalent issues in society, including the fear of foreigners and the belief in the connection between prostitution and other street crimes. However, most significantly, this law marked a more concerted effort on the part of legislators to look beyond the prostitute herself and direct legal attention to the ways men profited from the industry.

From 1900 to 1914, the issue of male participation in prostitution became more prominent in the legislation, but men featured only as pimps who compelled women to

⁷⁰ Laite, *Common Prostitutes and Ordinary Citizens*, 212.

⁷¹ “Rogues and Vagabonds.-An Act to amend,” *The Times*, October 12, 1898, 5.

⁷² *Ibid.*, 5.

⁷³ *Ibid.*, 5.

participate, not as active participants themselves. In January, 1903, the courts defended Martha Atwell as they brought charges of assault against Walter May. The article established that Atwell earned her living by prostitution, but this fact was not the focus of the court case. According to the article, the centerpiece of the case was the conduct of May not Atwell. Atwell alleged that May physically beat her, but he also faced the relatively new charge of profiting from prostitution. The court argued that he made a habit of living off the wages of prostitutes, and did not view this behavior with any sympathy. May received a sentence of nine months of hard labor, but the article did not mention any punishment for Atwell.⁷⁴ This case is significant because it blamed a man for his role in compelling a woman to participate in prostitution. The public supported prosecutions of pimps, but still ignored the larger issue of men who paid prostitutes.

By the beginning of World War I, the government and the police tied prostitute identity to women's fingertips by attempting to enforce Paragraph 489, section 17 of the general police orders that required anyone arrested for solicitation to supply their fingerprints.⁷⁵ According to historian Julia Laite, "Fingerprints and tattoos, both permanent marks upon the body, became permanent signifiers of a deviant identity."⁷⁶ The changing laws did not necessarily decrease prostitution, but instead, changed the practices and the social perception of the women who participated in the industry. From the geographic changes that dictated where prostitution could not take place, to the increased concern about prostitutes as dangers to the public health, the law framed how the public perceived prostitutes and prostitution.

⁷⁴ "Police," *The Times*, January 13, 1903, 13.

⁷⁵ Julia Laite, "Taking Nellie Johnson's Fingerprints," *History Workshop Journal* 105, Issue 65 (2008), 98.

⁷⁶ *Ibid.*, 105.

CHAPTER IV

PROSTITUTION AND THE POLICE

The persistence of prostitution and the deliberate vagueness of anti-prostitution laws complicated issues of authority for the police during this period. As historian Phillip Thurmond Smith notes, “The difficulties were created by inadequate laws and by the vacillation and confusion of the government over its policies...The police were simply as effective as the laws allowed them to be.”⁷⁷ While police power expanded during this period, prostitution itself was not illegal. Instead, police targeted prostitutes who committed other crimes or annoyed the public. A detailed study of the articles published in the *Times*, suggests that during this period the police defined their authority as protectors of the public, while the gender-biased laws allowed them to target prostitutes as women out of place who challenged police authority in public spaces. Prostitutes faced increasing scrutiny because they were women working in a highly visible industry that conflicted with the professed values of Victorian culture.

The authority the public vested in them, and the legal authority that the police had, was relatively new, and began in the 1830s. It provided police with the power to safeguard the public from the danger that prostitutes represented.⁷⁸ In terms of their legal authority, the Vagrancy Act of 1824 and the Metropolitan Police Act of 1839 represented the most significant solicitation laws for London because they gave police the authority to prosecute prostitution as a “public nuisance.”⁷⁹ Likewise, additional stipulations included in the Disorderly Houses Acts “allowed local authorities to prosecute brothels

⁷⁷ Phillip Thurmond Smith, *Policing Victorian London*, (London: Greenwood Press, 1985), 203.

⁷⁸ Clive Emsley, *The English Police: A Political and Social History* (London: Longman, 1996), 35.

⁷⁹ Laite, *Common Prostitutes and Ordinary Citizens*, 6.

(and other establishments) in their jurisdictions if they were disturbing the peace.”⁸⁰

These stipulations greatly expanded police power to prosecute prostitutes who congregated in brothels. These laws did not include any specifically gendered language; however, the public perception of prostitutes painted them as dangerous to the public health and a nuisance to society.⁸¹ The CD Acts of the 1860s reinforced this idea by identifying prostitutes as public health dangers.⁸² To satisfy the public, the police needed to demonstrate how they addressed this “Great Social Evil.”⁸³

The members of respectable society feared not only crime, but also what they perceived as the lifelong vice-ridden criminal class of perpetrators who lived in the poorest areas of the city.⁸⁴ As a gaol chaplain explained in a letter to the editor of the *Times*, one woman who he counseled had an arrest record so long that when published, it filled one quarter of a page and spanned 29 years.⁸⁵ During the Victorian era, members of the middle classes believed that the dangerous lowest classes “posed a threat to the moral well-being and social stability” of society.⁸⁶ The phenomenon of one class trying to separate itself from what it perceived to be lower classes was not new, but especially prevalent in the Victorian period. The middle class wanted to establish a separate identity from the “‘degenerate’ residuum in urban slums,” who habitually committed crimes and lived in dense overpopulated areas of the city.⁸⁷ Perhaps some contemporaries believed that the divisions between these two classes were distinct and

⁸⁰ Laite, *Common Prostitutes and Ordinary Citizens*, 6.

⁸¹ Clive Emsley, *Crime and Society in England 1750-1900*, (London: Longman, 1987), 67.

⁸² Laite, *Common Prostitutes and Ordinary Citizens*, 7.

⁸³ Emsley, *The English Police: A Political and Social History*, 71.

⁸⁴ Emsley, *Crime and Society in England 1750-1900*, 66.

⁸⁵ “Our Habitual Criminals, A Gaol Chaplain,” *The Times*, August 4, 1869; p. 4.

⁸⁶ David Taylor, “Beyond the Bounds of Respectable Society: The ‘Dangerous Classes’ in Victorian and Edwardian England” in *Criminal Conversations*, ed. Judith Rowbotham and Kim Stevenson (Columbus: University of Columbus Press, 2005), 10.

⁸⁷ Emsley, *Crime and Society in England 1750-1900*, 67.

obvious, but historian David Taylor argues that there was also a growing fear that the lines had started to blur between respectability and criminality.⁸⁸ No matter how clear or faint the class distinctions, in essence, society believed that police constituted a safeguard that protected the upper classes from the more vice prone, deplorable lower classes.

Because the upper and middle class Victorians believed the police should protect them from the dangerous lower classes, the dynamic between the police, and the public changed during this period.⁸⁹ Patrolling the streets often involved venturing into the seedier parts of London in the pursuit of petty criminals. In these areas, the efforts of police were not always welcome, but this did not deter them. For members of the lower classes, police attention meant, “an increase in arrests for petty offenses and misdemeanours: street traders were ordered to move along, as were groups of loitering youths, prostitutes and vagrants.”⁹⁰ This led to some residents who felt victimized by the power of police. Historian Clive Emsley asserts, “The power of the police in the streets, and their use of this power, probably contributed to the belief among many members of the working class that there was one law for the rich and another harsher, law for the poor.”⁹¹ Indeed, when encouragement for increased authority of the police appeared in the *Times*, it targeted the slums of London where the working classes lived.

One of the first articles published in the *Times* during the 1850s described the complex relationship between police authority, property owners, and prostitutes. In this case, an owner of a public house faced charges of allowing prostitutes to consort on his property. The accused owner countered that regardless of the alleged guilt of the women,

⁸⁸ Taylor, “Beyond the Bounds of Respectable Society: The ‘Dangerous Classes’ in Victorian and Edwardian England,” in *Criminal Conversations*, 20.

⁸⁹ Emsley, *Crime and Society in England 1750-1900*, 67.

⁹⁰ *Ibid.* 60.

⁹¹ *Ibid.*, 67.

they did not deserve to wander the streets, especially without refreshments.⁹² In this case, the police prosecuted the women because of their presence in a public house, while the owner argued that there was not sufficient evidence to support any charge.⁹³ Perhaps this working class business owner felt targeted by the police because, as the article explained, “It was not sufficient for a police-constable to tell a person keeping a house of public resort that he had seen some of these women walking to warrant the keeper ... in turning women out of his house who might be conducting themselves with propriety.”⁹⁴ As the public house owner in this case pointed out, the testimony of a policeman alone would not get him to expel potentially innocent customers from his premises.⁹⁵ The gender biased laws, in this case, also had implications for business owners and demonstrated how the police used their power to control what happened in public spaces.

The laws allowed police to pursue women who prostituted themselves and some of the cases published in the *Times* highlighted the negative interactions between the court, police, and prostitutes. For example in May 1852, a policeman stood accused of accepting bribes from prostitutes trying to avoid prosecution. In this case, the courts exonerated the policeman because the testimony of prostitutes could not be trusted.⁹⁶ Assumptions regarding the character of the women almost automatically discredited their testimony, because, as the magistrate explained, considering “the small amount of respect for truth which is to be expected at the hands of those who have lost the respect of society, it is obvious that such testimony must be received with very great caution.”⁹⁷

⁹² “Police,” *The Times*, February 5, 1850, 7.

⁹³ *Ibid.*, 7.

⁹⁴ *Ibid.*, 7.

⁹⁵ *Ibid.*, 7.

⁹⁶ “Police,” *The Times*, May 28, 1852, 7.

⁹⁷ “Police,” *The Times*, May 28, 1852, 7

The fact that the testimony of an alleged prostitute was not as trustworthy as that of a policeman demonstrates the disadvantages experienced by prostitutes, but their disadvantage had two major components: first that they were women, and second that they were prostitutes.

Society ostracized prostitutes because of their alleged profession, but also because they were women, which was already a very restricted legal identity. In December of 1869, a case involving a public house accused of harboring prostitutes demonstrated how police targeted women found in public. In this case, the police raided a public house because they believed the owner harbored prostitutes after they observed numerous women enter and leave with men. The defense pointed out, “it was no offense to serve prostitutes with refreshments and that it was not harbouring or permitting prostitutes to assemble if they were in the house for the purposes of refreshment.”⁹⁸ The police offered no additional evidence other than their own observations of men and women on the premises together. However, the magistrate sided with the police, and pointed out that undoubtedly, “all the women frequenting the Haymarket and refreshment houses at night were there for the purposes of prostitution.”⁹⁹ Judgments like this one demonstrate the societal belief that women did not belong in public at night. This case was just one example of many where the police represented not only the criminal enforcement, but also the moral enforcement for society.

The public often turned to police to clean up their streets, and expressed their dissatisfaction when they felt the police action was inadequate. For example, in Bow-

⁹⁸ “Police,” *The Times*, December 4, 1869, 11.

⁹⁹ *Ibid.*, 11.

Street in 1853, several churchwardens and citizens filed a complaint against the local precinct because of what they characterized as a lack of action against multiple houses of ill repute. They alleged that, the police had the power to stop the prostitution in both the streets and what they called “bawdy houses,” which they considered public places and under the purview of the police. The article described the complexities of the issue when the prosecutor claimed that, in these instances, the police did not have the authority to enter into any private residences, regardless of any suspicions of prostitution.¹⁰⁰ The law limited police authority by not making prostitution illegal, but the police found other ways to prosecute women for this crime.

In some articles, the public expected vigilance from the police and when they felt the police had not effectively protected them, the *Times* provided a vehicle for this criticism.¹⁰¹ In 1869, the vestry of Whitechapel parish brought complaints to the magistrate regarding, “the annoyance caused in the district by the assemblage of disorderly prostitutes, reputed thieves, crimps and unlicensed shoeblacks.” With regard to the prostitution in the district, the article mentioned three Irish prostitutes charged as part of the complaint.¹⁰² Upper class citizens pressured the police to address prostitution and criticized the police heavily when they felt they did not sufficiently protect citizens. As representatives of the law in public spaces and protectors of the public’s peace, police walked a tightrope of public expectation. If they aggressively pursued prostitution in the

¹⁰⁰ “Police,” *The Times*, June 30, 1853, 7.

¹⁰¹ *Ibid.*, 7.

¹⁰² “Police,” *The Times*, August 10, 1869, 9.

wrong places, or did not provide effective protection against criminality they must face a critical public.¹⁰³

Conflicting opinions about the ideal level of police power led to intense review of the effectiveness of the police. In 1906, the *Times* published an article that discussed the work of the Royal Commission on the Metropolitan Police. This Commission investigated police practices in three different types of cases: drunkenness, disorder, and solicitation or prostitution cases. The article included statistics about arrests for these crimes and described the difficulty the police faced as they investigated them.¹⁰⁴ The Commission understood that the Metropolitan Police represented the front lines against criminal behavior in the streets. The message from the Royal Commission was clear: there were limits to the steps police could take in the pursuit of criminals like prostitutes. A year later, in 1907, the Royal Commission commented further on the possibility of abuse of power from the police, and clearly stated its belief that anyone who arrested a person without cause or who overstepped their authority should face dismissal.¹⁰⁵ However, as the cases published in the *Times* demonstrated, police could follow proper procedure and still prosecute prostitutes who annoyed the public.

By the beginning of the twentieth century, the outlook on how the police should address prostitution was still undecided. A *Times* article that assessed the conditions of the streets of London even vacillated on the notion that cleaner streets resulted from increased power for the police.¹⁰⁶ Reminding readers that the police had no power to rid the streets of prostitutes unless they could prove a crime had been committed, the article

¹⁰³ "Police," *The Times*, June 30, 1853, 7.

¹⁰⁴ "The Royal Commission On The Metropolitan Police," *The Times*, July 16, 1906, 11.

¹⁰⁵ "Metropolitan Police Commission," *The Times*, July 27, 1907, 3.

¹⁰⁶ "The Streets At Night," *The Times*, December 18, 1901, 11.

argued that the police approached their work with vigor, but hesitated to expand their power.¹⁰⁷ In some ways, the article explained how prostitution was much more complicated because, they argued, “As long as human nature is what it is what it is you will not get rid of that evil.”¹⁰⁸ At the dawn of a new century, the *Times* presented conflicted views on how best to address prostitution. In some ways, the emphasis on the criminality of these women argued for greater police enforcement, and yet other articles suggested that prostitution was a much larger issue that involved many different groups within society: the police, men, and women of many different classes.¹⁰⁹

In general, the public considered prostitutes, or the women of the streets, dangerous, and understanding the efforts of the police to control this population, indicates a great deal about the inherent gender-biases of Victorian society between 1850 and 1914. The police personified enforcement of the gender-biased laws that reinforced the limited identities of women. The police had the power to label women as prostitutes, conferring a broadly applied, but a limited legal identity. The women labelled with this identity not only faced legal sanctions, but also social stigma because of the public sexuality they represented.

¹⁰⁷ “The Streets At Night.” *The Times*, December 18, 1901, 11.

¹⁰⁸ *Ibid.*, 11.

¹⁰⁹ *Ibid.*, 11.

CHAPTER V

PROSTITUTION AS A SOCIAL ISSUE

Both contemporaries and historians agreed that prostitution was a prevalent issue during the nineteenth century.¹¹⁰ Prostitution was a public manifestation of the consequences of strictly defined gender roles that created separate standards for men and women. The sex industry resulted from a society that simultaneously expected women to contribute a great deal by raising children and taking care of the home, and restricted their identities legally, socially, and sexually. The negative perceptions of prostitutes demonstrated an environment where prostitution could flourish, and also provided opportunities to ridicule the women desperate enough to prostitute themselves. According to historian Deborah Epstein Nord, “In cultural imagery and scientific discourse, the prostitute was linked through metaphor and notions of contagion with the decay, contaminated waste, and insidious filth of the city.”¹¹¹ In reality, these women were legally, economically and socially vulnerable and their public existence confronted the values that Victorian society professed. The experiences of these women, who faced ridicule both because they were women, and because of their prostitution, emphasized the vulnerability of all women during this period.

Indeed, women accused of prostitution faced an uphill battle when it came to defending themselves against a charge that included both a legal and social component. In an 1852 case, “Ann Butler, a prostitute,” faced charges of theft from a customer, even

¹¹⁰ Laite, *Common Prostitutes, Ordinary Citizens*, 10.

¹¹¹ Epstein Nord, *Walking the Victorian Streets*, 83.

though the police found no money on her person.¹¹² The gentleman who brought the charges told the court that while drinking with the accused at a public house, he fell asleep and when he awoke he found his money missing. The police found Butler at a nearby public house drunk and searched her person but found none of the missing money. After a magistrate saw the evidence in this case, he agreed to hold Butler over to allow the police to continue their investigation.¹¹³ One of the significant issues highlighted in this case is the way that prostitution subsumed this women's identity. It mattered less, that there was no concrete evidence of the theft found, and more that the accused was an alleged prostitute and therefore criminal. What society believed prostitutes were ignored the greater complexity of their lives, which often included economic hardship.

Women, and perhaps especially married women, were in an economically vulnerable position between 1850 and 1914. They depended on their husbands for support and could be left with very few options if they married a man who was less than dutiful. For example, in April of 1854, the *Times* introduced readers to Mrs. Fredericks, whose husband, Captain Fredericks, had recently abandoned her. Left destitute with two sons from a previous marriage to feed, Mrs. Fredericks "had been for a considerable time walking the streets as a common prostitute."¹¹⁴ The focus of this case was the negative effect Mrs. Frederick's prostitution might have on her two sons, not her husband whose desertion set this series of events in motion. Cases like this one emphasized the gender biases present in both the social and legal frameworks during this period. Society tried to dictate not only how women could contribute to their families, but also judged them

¹¹² "Police," *The Times*, October 6, 1852, 7.

¹¹³ *Ibid.*, 7.

¹¹⁴ "Police," *The Times*, April 20, 1854, 11.

harshly for their desperation if they prostituted themselves. In other words, the industry of prostitution continued because of a society that punish women for their participation and ignored the actions of men.

A particularly brutal case appeared in the *Times* in 1866 that illustrated the difficulty of married women to survive economically if their husbands did not support them sufficiently. In this case, Mrs. Coleman sued for divorce because of Mr. Coleman's negligence. Prior to their marriage, according to Mrs. Coleman, Mr. Coleman, a working class man, "represented that he had a little property, and that he intended to obtain a situation and to support her in comfort."¹¹⁵ By 1859, she was without sufficient financial support, and tried to survive on the proceeds from her needlework. However, Mr. Coleman, dissatisfied with the little money she earned, forced her into a life of prostitution. She told the court, "They became very poor, and the respondent then suggested that the petitioner earn money by going upon the streets. She refused, and she begged and entreated him to get money by other means, but he insisted, but he beat her and threatened to murder her, unless she consented."¹¹⁶ Husband's neglect, and in this case Mrs. Coleman's forced participation in prostitution challenged the assumption that respectable married women were protected by their husbands.

Society expected middle class women to marry and raise children, and expected working class women to marry, raise children, and contribute to the finances of the family as much as possible. It was not surprising that some of the poorest among them turned to prostitution to support themselves or their families.¹¹⁷ Historians acknowledge

¹¹⁵ "Coleman v. Coleman," *The Times*, January 27, 1866, 11.

¹¹⁶ *Ibid.*, 11.

¹¹⁷ Walkowitz, *Prostitution and Victorian Society*, 16.

that economic reasons might not have been the decisive factor for each woman, but typically, in combination several other contributing factors, including sexual and social motivations.¹¹⁸ Each woman who participated in prostitution had her own reasons, and chose to involve herself in different ways, casually to earn a little income where needed, or more consistently as a brothel tenant. Whether or not their motivations were truly economic, the women who participated in prostitution also confronted a society that believed that respectable husbands provided for their wives and families, and respectable women did not work.

The story of Dorteia Caroline Seilberge, published in 1888, demonstrated the underlying power issues between men and women in society. Seilberge accused Louis Heilfink of “holding her against her will for an immoral purpose.”¹¹⁹ Seilberge’s testimony detailed how Heilfink forced her to engage in prostitution and when she was unsuccessful at obtaining enough income, he beat her violently. The accused in this case promised her marriage, and Seilberge quickly found herself in a difficult situation. In court, Seilberge pursued charges against Heilfink for assault and kidnapping and the court agreed to continue to investigate the case.¹²⁰ This case emphasized how vulnerable women were in a society that gave them a great deal of responsibility, but no rights. By promising marriage, Heilfink cloaked his plan of sexual exploitation in socially acceptable terms and lured Seilberge into an unfortunate arrangement. Cases like this one emphasized the inherent gender biases that gave relative freedom to men and severely restricted the identities of women.

¹¹⁸ Walkowitz, *Prostitution and Victorian Society*, 15-17.

¹¹⁹ “At Westminster, Louis Heilfink, 37, described as a,” *The Times*, March 28, 1888, 13.

¹²⁰ *Ibid.*, 13.

In 1907, the *Times* published a case that highlighted the tension faced by women who sought this type of income outside the home, and the fact that they did so in a profession already stigmatized legally, socially, and sexually only complicated the situation further. During the Frodsham's divorce, Mr. Frodsham alleged that Mrs. Frodsham lured him into marriage with the intent of taking advantage of him financially and willfully engaging in prostitution during their marriage. Mr. Frodsham argued for a divorce because his marriage was a fraud and because Mrs. Frodsham continually engaged in a life of theft, prostitution, and adultery. The police testimony in this case portrayed Mrs. Frodsham as a prostitute who intentionally ensnared Mr. Frodsham. For example, Sergeant Sindon testified, "That he himself had lived in Crown-street in 1906, and on various occasions had seen her [Mrs. Frodsham] accosting men and bringing them home with her."¹²¹ This type of behavior was intolerable for a woman, but the established patriarchy allowed men to consort with prostitutes without legal ramifications.

Prostitution, as it appeared to the reader of the *Times*, was an unfortunate industry that women participated in with no visible male partners. In general, the articles published in the *Times*, convey little detail about the men who consorted with prostitutes. Typically, the articles did not mention these men, unless the man was the one suing or bearing witness against the woman, but that was typically for an additional crime, not just prostitution.¹²² In fact, in many of the articles that included references to prostitution, the only man who appeared in the article was the policeman who testified. The prosecution of prostitutes and the decisions made by the court demonstrated the societal belief that

¹²¹ "Probate, Divorce, And Admiralty Division," *The Times*, December 20, 1907, 3.

¹²² "Police," *The Times*, October 6, 1852, 7.

women should not be publicly flaunting their sexuality, even if men needed to use them to fulfill their sexual desires.¹²³

According to Jeffrey Weeks, while the latter half of the nineteenth century was known for strict morals and well-defined gender roles, “sexuality pervade[d] the social consciousness: from the widespread discussions of birthrate, deathrate, life expectancy and fertility in the statistical forays of the century to the urgent controversies over public health, housing, birth control and prostitution.”¹²⁴ Perhaps society was so fearful of prostitutes as invaders because their existence forced Victorian society to confront issues of male and female sexuality. Prostitution represented an industry that used sex to connect the public and the private spheres, and this created a danger for the members of respectable Victorian society. According to historian Deborah Epstein Nord, “Because the prostitute or sexually tainted woman is linked not just with sexuality but, potentially, with the private realm of family life as well, she embodies the possibility of an invisible and uncontrollable invasion of the middle class home.”¹²⁵ The multitude of articles in the *Times* that referenced prostitution underscored how prostitution consistently connected sexuality to the public sphere.

The approach of the *Times* demonstrated how prostitution became the prominent identity of these women and society generally ignored that they were women. Society increasingly judged women in terms of their sexuality, which generated more attention on prostitutes and prostitution.¹²⁶ Specifically, in articles published about the CD Acts, the *Times* referred to prostitutes as, “miserable creatures who were masses of rottenness and

¹²³ Walkowitz, *Prostitution in Victorian Society*, 15.

¹²⁴ Weeks, *Sex, Politics and Society*, 19.

¹²⁵ Epstein Nord, *Walking the Victorian Streets*, 82.

¹²⁶ Shani D’Cruz, *Crimes of Outrage: Sex, Violence and Victorian Working Women*, 194.

vehicles for disease.”¹²⁷ In a way, prostitutes fomented the fear of sexual licentiousness in the streets, or as Kate Gleeson characterized it a “panic over the sexual agency of women...most notably, concerning the fear of sexually ‘aggressive’ and potentially litigious women.”¹²⁸ Victorian society expected men to be sexual beings, but did not provide any public avenues for women to express their sexuality or even personality if they challenged societal expectations. Thus, according to Gleeson, “Women’s sexuality was demanding independent recognition and attention in the form of protection from both civil exploitation and state-based harassment.”¹²⁹ Prostitution provided a public avenue for some women’s sexuality, but was also far from an ideal outlet for women.

In many ways, societal gender norms reinforced the idea that the satisfaction of male sexual desires was tantamount and men’s need to have sex with prostitutes expected.¹³⁰ Certainly, there were both social risks if men were indiscreet and physical risks of venereal disease, but the articles in the *Times* did not discuss the participation of the men who sought the services of prostitutes. The absence of men in the *Times*’ coverage reinforced the idea that only women should be held socially responsible for this industry. Society protected women at home by allowing men to use women in the street to satisfy their sexual desires. What historian Susan Kingsley Kent characterized as the “conspiracy of silence” kept women sheltered from critical sexual issues. It “facilitated the recourse of men to prostitutes and enabled them to cover up, with the help of

¹²⁷ “Contagious Disease Acts,” *The Times*, July 25, 187, 4.

¹²⁸ Kate Gleeson, “Sex, Wives, and Prostitutes: Debating *Clarence*” in *Criminal Conversations*, ed. Judith Rowbotham and Kim Stevenson (Columbus: University of Columbus Press, 2005), 216.

¹²⁹ *Ibid.*, 217.

¹³⁰ Susan Kingsley Kent, *Sex and Suffrage in Britain 1860-1914*, (Princeton, NJ: Princeton University Press, 1987), 61.

physicians, any venereal diseases they might bring home to their wives.”¹³¹ Male authority was so well entrenched that men could consort with prostitutes without facing the same degree of ridicule women encountered, or potentially any ridicule at all.

Separate standards for men and women created a climate that drove desperate women into the streets and simultaneously shunned them for their participation in a disgraceful, but pervasive industry. In many of the cases published in the *Times*, the focus of the articles was the criminal element that these women perpetuated in society, and not the inhospitable circumstances that brought them to do so. However, in studying the unfortunate circumstances that allowed prostitution to flourish, it is clear that their experiences as women also shaped their identities within a gender biased society. The disadvantages experienced by prostitutes had economic, social and sexual components, and they highlight the generally repressed condition of all women in Victorian society.

¹³¹ Kingsley Kent, *Sex and Suffrage in Britain 1860-1914*, 64.

CHAPTER VI

PROSTITUTION AND MARRIAGE

Instead of maintaining that prostitution happened in the darkest streets far from the typical household, articles about the intrusion of prostitution into marriage filled the divorce columns of the *Times*. Prostitution also forced society to confront the inherent gender and power biases that brought many marriages to the breaking point. While adultery was not a new topic in 19th century divorce cases, consorting with a prostitute or working as a prostitute provided compelling grounds for either spouse to petition for divorce. The intrusion of prostitution into marriage brought to light gender inequality during a period when new legal and social practices already put marriage under the microscope. According to A. James Hammerton, “the contemporaneous spread of literacy, newspapers and reading habits that encouraged a shared newspaper culture among the middle class” encouraged public scrutiny of marriage during this period.¹³² The *Times* articles portrayed prostitution as the root of a significant number of divorces, and exposed the gender biases present in marriage practices during this period.

Some Victorians argued that prostitution was a necessary industry. Historian Susan Kingsley Kent quotes historian O.R. McGregor who explains that prostitution “operated through the double standard of morality to accommodate both the recognized waywardness of men and the purity of the middle-class wife.”¹³³ This argument emphasizes how the only role for women in sex was passive; they produced children for their husbands or they were objects for men to use to satisfy their sexual desires in the

¹³² Hammerton, *Cruelty and Companionship*, 102.

¹³³ Kingsley Kent, *Sex and Suffrage in Britain*, 62.

streets.¹³⁴ If a woman sought sex outside of marriage, she faced social ridicule and potential divorce. Prostitution was not the only option for women who sought sex outside of marriage, but because it was the most public representation, it received the most attention in the divorce columns of the *Times*.

The passage of the Matrimonial Causes Act in 1857 made divorce much more widely available to the general populace, which meant increased coverage in the *Times*. Previously, the high cost and necessary legal maneuvering required to obtain a Parliamentary divorce made them essentially unattainable for the lower classes.¹³⁵ However, the strict gender biased burden of proof that this law placed on women meant that divorce was not readily available to anyone that wanted one, and the number of successful divorce cases remained relatively small.¹³⁶ This law expanded the availability of divorce to both men and women, but stopped short of eliminating the legally sanctioned gender barriers for women seeking divorce. Men could divorce their wives if they committed adultery, but women could only petition for a divorce if their husband committed adultery and an additional offense like bigamy, incest, desertion or cruelty.¹³⁷ In essence, women needed extra evidence against their husbands, because Victorian marriage required greater sexual loyalty from women than from men.

The discourse on marriage and divorce that framed the Matrimonial Causes Act demonstrated the changing ideas about the roles of men and women in marriage, but was not necessarily about expanding women's rights. Prior to 1857, historian Allen Horstman explains, "In 186 years of Parliamentary divorce, only four women successfully braved

¹³⁴ Kingsley Kent, *Sex and Suffrage in Britain*, 62.

¹³⁵ Lawrence Stone, *Road to Divorce*, (Oxford: Oxford University Press, 1995), 368.

¹³⁶ Hall, *Sex, Gender and Social Change in Britain Since 1880*, 11.

¹³⁷ *Ibid.*, 10.

the legal and social obstacles,” and obtained a divorce.¹³⁸ Members of Parliament wanted this trend to continue, according to historian Mary Lyndon Shanley. She states, “The debates over the Divorce Act of 1857 reflect the inability of the majority of Victorian gentlemen to envision a form of marriage in which husband and wife met as political and economic equals.”¹³⁹ In many ways, this Act supported patriarchal authority in marriage and reinforced the idea of distinct separate standards for men and women.¹⁴⁰ In some of the cases published in the *Times*, the role of prostitution in divorce demonstrated gender biased ideas within marriage.

To obtain a divorce, women needed to prove to the court that their husbands did not fulfill their marital duties by committing adultery, abandoning their social or economic responsibilities or committing an egregious sexual act. For example, in May of 1860, the courts granted Mrs. Mawdsley a divorce on the grounds of Mr. Mawdsley’s “adultery coupled with cruelty.”¹⁴¹ According to Mrs. Mawdsley, Mr. Mawdsley abandoned her on several occasions and lashed out at her violently. In this case, when Mr. Mawdsley abandoned his wife, he did not fulfill the economic responsibility of his marriage. The article details multiple acts of violence committed by Mr. Mawdsley against Mrs. Mawdsley and ends with the assertion that Mr. Mawdsley had a proven affair with a prostitute in 1858.¹⁴² While we cannot know which of these facts, contributed most to the court’s decision to grant a divorce, this case demonstrated the burden of evidence that a women needed to support her petition for divorce.

¹³⁸ Allen Horstman, *Victorian Divorce* (New York: St. Martin’s Press, 1985), 24.

¹³⁹ Lyndon Shanley, *Feminism, Marriage, and the Law in Victorian England, 1850-1895*, 48.

¹⁴⁰ *Ibid.*, 48.

¹⁴¹ “Mawdsley v. Mawdsley,” *The Times*, May 29, 1860, 11.

¹⁴² *Ibid.*, 11.

The difficulty women had in obtaining divorce because of the additional circumstances they had to prove highlighted the gender biases within divorce laws. In 1864, Mrs. Dickinson sought a divorce from her husband because of his consistent mistreatment. According to the article, “the husband had been in the habit of assaulting and otherwise ill-treating his wife.”¹⁴³ The notice of their divorce also noted Mr. Dickinson’s abandonment of his wife and cohabitation with a prostitute in Liverpool.¹⁴⁴ It is difficult to parse out which evidence was the basis for the court’s decision to grant the divorce; however, once again, gender biased marriage laws put the burden of proof on Mrs. Dickinson. In this case, Mr. Dickinson was guilty of abandonment, cruelty and adultery with a prostitute, which provided enough evidence to support Mrs. Dickinson’s petition. However, because Mrs. Dickinson was a woman, she suffered additionally at the hands of Mr. Dickinson. If Mrs. Dickinson had been guilty of any one of the same transgressions, i.e. if she were abusive, abandoned her spouse or committed a single act of adultery Mr. Dickinson could have easily divorced her.

Some of the articles in the *Times* also explained how prostitution exposed the uneven power distribution within marriage. For example, a wife who engaged in prostitution as a career provided her husband with an easy reason for divorce. In the case of *Moule v. Moule* in 1862, Mr. Moule argued for a divorce because Mrs. Moule lived a life of prostitution. This case is particularly complicated because the two had unofficially separated in 1854, but a claim of possible prostitution accelerated the divorce.¹⁴⁵ According to the prosecution, Mrs. Moule, “led a life of prostitution,” since the couple’s

¹⁴³ “Court For Divorce And Matrimonial Causes, Nov. 24,” *The Times*, November 25, 1864, 8.

¹⁴⁴ *Ibid.*, 8.

¹⁴⁵ “Court For Divorce And Matrimonial Causes, Feb. 6,” *The Times*, February 7, 1862, 11.

separation. The article explained that the husband's work at the post office often meant that he was away from home, and this led to Mrs. Moule's wayward habits. Neither the article nor the court delved into any possible deeper reasons for Mrs. Moule's behavior, but the court granted the divorce. This case demonstrated that a husband had every right to seek to dissolve his marriage when his wife engaged in prostitution, but she did not have the same right if he consorted with a prostitute.

In some divorce cases, the key issue was actually female independence, cloaked in a discussion about prostitution. For example, in May of 1865, the Proctors divorced. Mr. Proctor was the son of a clergyman who married without his father's knowledge or approval. His father was so displeased to learn that his son had married without his consent and that, furthermore, that his bride was a known prostitute in Cambridge, he immediately moved to dissolve the marriage.¹⁴⁶ The couple lived separately with each set of parents respectively, but the prosecution asserted that Mr. Proctor continued to support his wife. She, however, returned to her previous profession, much to the chagrin of her husband and his clergyman father. Mr. Proctor based his claim on Mrs. Proctor's willful return to a life of prostitution, regardless of her husband's contribution to her support. This case called attention to the unequal power distribution in marriages that sometimes drove women to prostitute themselves.

Women who married fulfilled a social obligation, but marriage did not necessarily provide them with safety and security. In 1862, the courts granted Mrs. Coningworth's petition for divorce, because Mr. Coningworth left for America without providing her any means of support. The couple married in 1848, and lived together until 1852. They had

¹⁴⁶ "May 5," *The Times*, May 6, 1865, 11.

two children, and Mr. Coningworth struggled to maintain his employment. He first worked as a clerk at Custom House and then in a partnership with a port merchant. The article also mentioned that Mr. Coningworth's habit of frequenting brothels supported the petition for divorce.¹⁴⁷ Since he left for America, "He has since written to her twice, but has neither furnished her with the means of joining him, nor contributed in any way to her support."¹⁴⁸ In this case, the mention of prostitution served to illustrate the negative character of Mr. Coningworth, who subjected his wife to the indignity of his adultery with a prostitute and abandoned her quite literally. The difficult situation Mrs. Coningworth found herself in led to her petition, and highlighted the economic and social vulnerability of all married women.

If husbands did not provide adequate support, some women turned to prostitution to earn money to survive. This so-called choice is complex, because without the gender biases present in marriage, these women may have not prostituted themselves willingly. For example, in the case of *Burdon v. Burdon*, Mrs. Burdon alleged that Mr. Burdon failed in his duty as a husband and forced her into a life of prostitution. What the article described as his "drunken habits" and neglect forced her, out of desperation to prostitute herself to provide income for food and basic survival. Mr. Burdon also encouraged his wife to prostitute herself, and she argued, actively forced her by withholding food in order to secure her compliance.¹⁴⁹ Mrs. Burdon, a former domestic servant, argued for a divorce based on her husband's actions, and her testimony is an expression of the profound vulnerability of some working class women during this period. There was no

¹⁴⁷ "Court For Divorce And Matrimonial Causes, Feb. 6," *The Times*, February 7, 1862, 11.

¹⁴⁸ *Ibid.*, 11.

¹⁴⁹ "Probate, Divorce, And Admiralty Division," *The Times*, June 6, 1899, 3.

clear resolution of this case published in the *Times*, but the language of the article portrayed Mr. Burdon as the villain. By arranging encounters for his wife and profiting from her work, he could, according to an article published the year before, be labeled a rogue and a vagabond.¹⁵⁰ Seventy-four years after the passage of the Vagrancy Act, the *Times* offered a prime example of the complexity of prostitution, especially as it challenged other well established institutions like marriage.

The new laws about divorce and the articles published in the *Times* brought prostitution off the streets and into homes and acknowledged its influence in some divorce proceedings. The foundation of the relationship between men and women in marriage was the wife's dependence on the husband for economic and social stability. According to the law, when husbands treated their wives unfairly, and committed adultery with a prostitute, their wives could divorce them, but only if they also committed another crime (i.e. abandonment or cruelty). When a wife engaged in prostitution, she abandoned her family and her husband could easily divorce her. The articles published in the *Times* highlighted the gender biased divorce law, and the power struggles between men and women within marriage. Prostitution often represented additional drama in divorce cases that highlighted the underlying hypocrisy of Victorian culture. In many ways, the social ridicule faced by prostitutes was an exaggerated example of the gender biased environment that all women lived in during this period.

¹⁵⁰ "Rogues and Vagabonds.-An Act to amend," *The Times*, October 12, 1898, 5.

CHAPTER VII

CONCLUSION

Sixty-two years after Rose Hunt was “saved,” the *Times* published a case that illuminated another difficult situation created by the inferior position of women and the gender-biased society that reinforced it. Cases that involved prostitution, like the divorce of Mr. and Mrs. Roche, demonstrated the complicated relationship between prostitution and other Victorian institutions like marriage. During their divorce, both Mr. and Mrs. Roche made claims of wrongdoing against the other. In fact, both spouses accused the other of committing adultery, and their competing claims just complicated the divorce further. Mrs. Roche also claimed that the brutality of Mr. Roche drove her to prostitution in order to support herself. She testified that, “her husband had never had any regular employment, drank to excess, and spent most of his time in a gambling club.”¹⁵¹ Her neighbors testified that they were aware of the cruelty that Mrs. Roche experienced at the hands of her husband, but they, “never took steps to put an end to it.”¹⁵² After a thorough investigation, the court reserved judgment, but the jury agreed that Mr. Roche coerced Mrs. Roche, and did not prosecute her for any crime.¹⁵³

In many ways, judgment in the Roche divorce case hinged on the agency of Mrs. Roche; whether or not she was a willing participant in prostitution. If she willingly prostituted herself, then she was guilty of a crime, but if Mr. Roche provided inadequate support for his wife, then she was not. As a married woman, Mrs. Roche was dependent on her husband for economic and social support and without it she had few options. Mrs.

¹⁵¹ “Probate, Divorce, And Admiralty Division,” *The Times*, March 10, 1905, 3.

¹⁵² *Ibid.*, 3.

¹⁵³ *Ibid.*, 3.

Roche is an example of how prostitutes represented the multi-faceted vulnerabilities of women during this period. Legally, socially and sexually, women had fewer rights than men in Victorian society. Prostitutes, who participated in a prevalent but socially unacceptable industry, highlighted these gender biases. The position of these women, as already disadvantaged by their gender and further disadvantaged by their employment presents an exaggerated example of the experience of all women during this period.

The articles published in the *Times* provide a lens through which to view how prostitution influenced the discussion of gender inequality inherent in the legal, criminal, social and domestic frameworks during the period between 1850 and 1914. The prevalence of articles about prostitution in the pages of the *Times* indicates that its place in society also fascinated contemporaries. Due to their unique position in society, prostitutes shared the plight of all women in a very public way. Unintentionally, prostitutes became the public face for much deeper societal issues of gender inequality. This is perhaps the most lasting part of their legacy, that these women challenged, by their very existence, the deeply held gender biases within society.

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