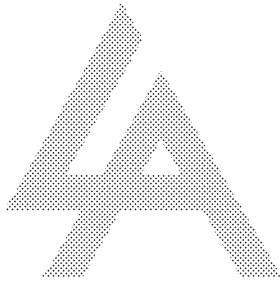


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CHRISTIAN AND
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MOORE

Libertarian Heritage No. 10

ISSN 0959-566X ISBN 1 85637 148 4

An occasional publication of the Libertarian Alliance, 25 Chapter Chambers, Esterbrooke Street, London SW1P 4NN
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**Libertarian
Alliance**

FOR LIFE, LIBERTY AND PROPERTY



JOSEPHINE BUTLER (1828-1906): FEMINIST, CHRISTIAN AND LIBERTARIAN

RODERICK MOORE

The Victorian age is a period of history which conjures up a familiar picture in the public imagination, including rugged individualism and dynamic enterprise in many areas of human life, but hypocrisy and repression in the field of sex. The truth is rather more complicated than this popular image, and one way to gain a clearer understanding of it is by looking at the careers of the libertarian campaigners of the time. This is the story of one of those campaigners.

EARLY LIFE

Josephine Grey, as she originally was, was born in 1828 in the village of Milfield, in Northumberland. Her father, John Grey, was a country landowner and leading local Whig, who was noted for his generosity to his tenants and his support for radical causes such as the abolition of slavery and the extension of the right to vote. (He was also a cousin of Earl Grey, the sponsor of the Parliamentary Reform Act of 1832.) John Grey encouraged all his children, both boys and girls, to take a keen interest in current affairs, and as the young Josephine grew up she became used to discussing politics with her father and meeting his radical colleagues when they visited the family home. At the age of seventeen she became a committed Christian, but at that time in her life she showed no inclination to pursue her political interests beyond family discussions, and she spent most of her spare time horse riding and going to parties and balls, where she and her sister Harriet were known as “the belles of Northumberland”.

In 1852 she married George Butler, a lecturer at Durham University who was about to be ordained as an Anglican clergyman, and shortly afterwards they moved to Oxford when he was appointed Examiner of Schools at Oxford University. In those days most Oxford dons were single men, and she was dismayed to find that she had been plunged into the middle of an institution which was pervaded by a strong atmosphere of misogyny. In contrast to her father, her husband’s colleagues took it for granted that the ideas of a mere woman were not worth hearing, and treated her political opinions with total scorn and indifference. A few years later she discovered that their contempt for women had an even uglier side to it, when a local girl was sent to jail for infanticide after a don from Balliol College had got her pregnant and abandoned her. She was so shocked by the girl’s plight and the lack of sympathy for her at the University that she went straight to Benjamin Jowett, the Master of the College, and urged him to “suggest some means of bringing to a sense of his crime the man who had wronged her” (quoted in Petrie 1971, p. 40). At this point she came face to face with the notorious Victorian double standard of morality. Jowett took the view that it was better to do nothing, and warned her that:

“It would only do harm to open up in any way such a question as this. It is dangerous to asrouse a sleeping lion.”
(quoted in Pearson 1972, p. 59)

He did not foresee the very rude awakening which the sleeping lion would get in the years to come. As for the girl’s fate, Josephine refused to let the matter rest, and on the suggestion of her husband, who agreed wholeheartedly with her stand, the Butlers gave her a job as a housemaid in their own home when she came out of jail.

In 1857 George Butler took the opportunity to leave Oxford when he was offered the post of Vice-Principal of Cheltenham College, a

boys’ public school. It was while they were living in Cheltenham that they suffered a great personal tragedy which affected Josephine for the rest of her life. In 1864 their only daughter, Eva, died at the age of six when she fell down a flight of stairs at their home. From then on, Cheltenham was associated with such painful memories that they were only too grateful for the chance to leave the town eighteen months later, when George was offered a job as Principal of another public school, Liverpool College. In Liverpool Josephine threw herself into charity work to overcome her grief, and joined a Christian mission to the Brownlow Hill Workhouse in the city. Many of the female inmates had been prostitutes, and it was not long before her compassion led her to start inviting sick and starving prostitutes into her own home for shelter. Her next step was to persuade local businessmen to put up the money to buy a house as a women’s refuge. Being aware that many girls were resorting to prostitution because of poverty, she also tried to train some of them for work more skilled than the skivvying which was their only other means of livelihood by setting up a small workshop to make envelopes, the profits from which helped to cover the running costs of the hostel.

At the same time as this philanthropic work, she became involved in feminist activities for the first time when a friend persuaded her to support a campaign for better education facilities for women. In 1867 the North of England Council for Promoting the Higher Education of Women was launched, and Josephine became the first President of the new body, a post which she held for the next six years. The Council’s activities included organising courses of public lectures, which later developed into the University Extension Scheme, and petitioning Cambridge University to admit women to its Higher Local Examinations, which was achieved in 1869. Some of the campaigners did not look beyond providing university courses to fill the spare time of bored women from well-to-do families, but Josephine’s aims were always wider. She made this clear in 1868 when she set down some of her views in print for the first time in a pamphlet called “Education and the Employment of Women”. In this work she pointed out that girls from poor families were at a disadvantage because there was no female equivalent of the apprenticeships which were available to boys, and since they could only get unskilled work at very low wages, they were often tempted into prostitution by promises of easy money which usually proved to be false. She also argued that women were not less intelligent than men, as most people believed at that time, and called for the repeal of legal restrictions on the employment of women. The following year she edited and introduced a longer work entitled *Woman’s Work and Woman’s Culture*, in which contributors called for equal rights for women in a wide range of fields, including not only access to education but property rights for married women and the right to vote. In her Introduction she again called for better training facilities for “the daughters of artisans and labourers”, arguing that advances in science and technology had left public attitudes to women’s education out of step with the needs of modern industry. It is worth noting here that, unlike some modern feminists, she did not regard men as an enemy to be hated and fought, but appealed for harmony between the sexes. In her own words:

“I wish it were felt that women who are labouring especially for women are not one-sided or selfish. We are human first; women secondarily. We care about the evils affecting women

most of all because they react upon the whole of society, and abstract from the common good. Women are not men's rivals, but their helpers. There can be no antagonism that is not injurious to both." (Butler 1869, p. xiii)

In the same year that *Woman's Work and Woman's Culture* was published, she returned from a holiday on the Continent to find a message waiting for her which was to lead to a dramatic new development in her career.

THE CONTAGIOUS DISEASES ACTS

In the 1850s the Crimean War caused a wave of public concern about the health of the armed forces. This in turn led to a drive by the government to improve matters, including a Royal Commission on the Health of the Army which met in 1857. It became apparent right away that one of the most widespread forms of illness among servicemen was venereal disease. Some regiments were already experimenting with regular examination of all their men for VD, but this was so unpopular with both soldiers and medical officers that it was abandoned in 1859 on the grounds that it destroyed the men's self-respect. Over the next few years the War Office and the Admiralty, with the enthusiastic support of the medical profession, became convinced that the key to the problem was to stop prostitutes giving men VD, and that this could only be achieved through a system of state regulation of prostitution. The result was the passing of the first Contagious Diseases Act in 1864.

The Act, which was to remain in force for three years as an experimental measure, applied to the areas around eleven towns where barracks or naval dockyards were located. Within these areas, magistrates were given the power to order any prostitute to undergo an examination of her sexual organs (by a doctor who would inevitably be a man) for symptoms of VD. If she was found to be infected, she could be forcibly detained in a special hospital for up to three months to be cured. Refusal to co-operate was punishable by imprisonment, but a woman could avoid a public appearance in court by agreeing to a voluntary examination. Police officers could swear before a magistrate that they had reason to believe a woman was a common prostitute, and this was taken as sufficient evidence to order an examination; the burden of proof was on the woman concerned to show that she was not a prostitute.

After the Act was passed, the War Office and the Admiralty set up a committee under a surgeon called F. C. Skey to study its workings and make recommendations for future policy. The Skey Committee spent twelve months taking evidence, and some witnesses again raised the idea of compulsory examinations for soldiers and sailors. This, however, was turned down for the same reason as before. One witness, Surgeon Perry of the Royal Artillery, complained that he felt degraded by examining men for VD, and told the Committee that:

"I thought that I was placed in an utterly false position as a gentleman and as a medical man." (quoted in MacHugh 1980, p. 39)

The Committee did not show such tender concern for the self-esteem of women, and when they reported their findings in 1866 they called for the experimental system to be extended. This came about later the same year when Parliament passed the second Contagious Diseases Act, making the first Act permanent and applying it to one more town. The new Act also gave magistrates the power to make a woman have regular examinations for up to one year, and set up a special police force to enforce the law, consisting of plainclothes officers from the Metropolitan Police who were seconded to the areas in question. Over the next three years the system was considered by Select Committees of both the House of Lords and the House of Commons, and in 1869 the third Contagious Diseases Act was passed. This extended the regulations to six more towns, making eighteen altogether, and allowed magistrates to order the detention of a woman in hospital for nine months instead of three.

THE CAMPAIGN TO REPEAL THE ACTS

1. The Early Stages

The party in power changed twice during the years when Parliament was passing the Contagious Diseases Acts, but the majority of both the Conservatives and the Liberals supported them, and they became law with very little debate or publicity. Because of this, opposition was slow to develop, and it was not until October 1869 that a group of libertarian activists, including doctors, academics and feminists, held their first meeting in Bristol during a Social Science Congress in the city. The result of the meeting was the launch of the National Association for the Repeal of the Contagious Diseases Acts. It was one of the feminists, Elizabeth Wolstenholme, who contacted Josephine Butler and urged her to join the campaign; the two women had come to know each other through the women's education movement. The feminists decided to set up an independent organisation of their own, and the Ladies' National Association for the Repeal of the Contagious Diseases Acts was founded soon after the original National Association.

On New Year's Day 1870 the Ladies' National Association published their first manifesto in the national press, signed by 124 women including Josephine Butler, Florence Nightingale and Harriet Martineau. The manifesto condemned the Acts on eight grounds, drawing special attention to their unequal treatment of men and women and the degradation which they inflicted on women. The second of the eight sections declared that:

"So far as women are concerned, (the Acts) remove every guarantee of personal security which the law has established and held sacred, and put their reputation, their freedom and their persons absolutely in the power of the police." (quoted in Butler 1871, p. 161)

The fourth section added that:

"It is unjust to punish the sex who are the victims of a vice, and leave unpunished the sex who are the main cause both of the vice and its dreaded consequences; and we consider that liability to arrest, forced surgical examination, or (where this is resisted) imprisonment with hard labour, to which these Acts subject women, are punishments of the most degrading kind." (quoted in Butler 1871, p. 162)

The manifesto also warned that the Acts threatened civil liberties by punishing an offence (i.e. prostitution) which was not clearly defined anywhere in them, argued that forcible examination humiliated all women, including prostitutes, and drew attention to the basic assumption underlying the Acts, that it was "necessary and venial" for men to have sex with prostitutes.

Over the following months the two National Associations embarked on a vigorous publicity campaign against the Acts. Josephine Butler soon emerged as the leading figure in the women's branch of the movement, proving herself to be a powerful and charismatic public speaker, and also writing many pamphlets setting out the repealers' case. In April 1870 the repealers took the opportunity to try a new tactic when a by-election was held at Newark. The Liberal candidate was to be Major-General Sir Henry Storks, an experienced soldier whom Gladstone (Prime Minister since 1868) wanted in the Cabinet to help with the latest program of army reforms. Storks, however, had recently been Governor of Malta, where he had introduced a system of state control of prostitution very similar to the Contagious Diseases Acts, and he had told the Skey Committee quite openly that in his opinion the problem of VD would never be solved until prostitution was recognised as a necessity. These views made him an obvious target, and some of the repealers went to Newark and conducted such an effective publicity campaign against him that he was forced to withdraw from the election on nomination day. A month later, a Bill to repeal the Acts was introduced into Parliament by a Quaker MP, William Fowler. This was defeated, but it attracted enough support for the government to agree to set up a Royal Commission on the Acts.

Before the Commission first met, the government tried to get Sir Henry Storks into the House of Commons again, at a by-election at Colchester which was held in November 1870. Once again the repealers intervened in the election, this time putting up their own independent candidate, Dr Baxter Langley. Colchester was a garrison town where the Acts were in force, and they were strongly supported by the local pimps and brothel-keepers, who were determined to stop the repealers by fair means or foul. When Mrs Butler arrived in the town to help with the campaign, she tried to book into two hotels on two successive nights, but each time the owner had to ask her to leave when a mob of hooligans gathered in the street outside and threatened to wreck the building. In the end a sympathetic local working man invited her to stay with his own family in their cottage. As the campaign went on, the violence continued. On another occasion, she and another woman were recognised in the street by a gang of hooligans after addressing a public meeting, and they had to run for their lives and take shelter in a grocer's cellar. Storks repudiated the thugs, but by that time the damage to his reputation had been done. Langley was forced by illness to withdraw from the election a few days before polling day, but Storks was defeated by the Conservative candidate. (He did finally get into Parliament at a third by-election early the next year.)

During 1871 the Royal Commission took evidence from both repealers and regulationists, among the former being Mrs Butler herself and John Stuart Mill. Until then the regulationists had taken it for granted that the only question that mattered was whether the Acts achieved their aim of reducing the VD rate, and that this end justified any means. The repealers, however, forced them to address the question of principle as well, and put them on the defensive for the first time. When the Commission published their findings, they conceded some of the repealers' points, but this only left them sitting on the fence, and their series of reports was so contradictory and inconsistent that the government were able to get away with doing nothing. After months of political wrangling, the Home Secretary eventually introduced a repeal Bill in February 1872, but it only proposed to replace the Acts with a watered-down system of state regulation. Some of the repealers were willing to accept it, but Mrs Butler and the Ladies' National Association refused to settle for anything less than total abolition, and while they were arguing among themselves the Bill failed in the House of Commons.

In August of the same year, the repealers intervened in another by-election, at Pontefract, in which the Liberal candidate was a regulationist. The constituency was a safe Liberal seat, but they hoped to gain publicity for their cause by persuading as many voters as possible to abstain. As at Colchester, they found they had the brothel-keepers' goon squad to contend with. Violence and intimidation soon made it impossible for them to hire meeting halls for rallies, and they were forced to hold one meeting in a hayloft instead. While Mrs Butler was speaking, the loft was invaded by a mob of hired thugs, and she had to escape by jumping through a trapdoor. Despite everything, she and her colleagues persevered, and on polling day the Liberal majority was much reduced. By that time, however, the repealers had realised they had lost any chance of a quick victory in their campaign, and they started to reorganise themselves for a long struggle to win Parliament and the public over to their side.

2 The Debate: Double Standards Versus Individual Rights

To Josephine Butler and her colleagues, Christianity and libertarianism always went together hand-in-hand, and they objected to the Contagious Diseases Acts on both counts equally. As Christians they could not accept that it was impossible for men to keep their sexual instincts under control and live by Christian moral standards. As libertarians they could not accept that men were entitled to violate the rights of women so that they could satisfy their instincts without risk of disease. In one of her pamphlets Mrs. Butler set out their goals in these words:

“What we have to do seems to me now to be this: to form a nation within the nations—a nation which will recognise the supremacy of the moral law, and which will contend for the dignity and autonomy of the individual, against the socialism (whether represented by imperialism or democracy) which takes too little account of the individual, and is too ready to coerce, oppress or destroy the human being in the supposed interests of an aggregate of human beings which it calls ‘Society’ or ‘The State’. The soul of each human being was created free and responsible before God; and every human law which has in it any of the divine character of his law recognises the inviolability of the individual.” (Butler 1879, p. 185)

She added that:

“This legalisation of vice, which is the endorsement of the ‘necessity’ of impurity for men, and the institution of the slavery of women, is the most open denial which modern times have seen of the principle of the sacredness of the individual human being. It is the embodiment of socialism in its worst form. An English high-class journal confessed this, when it dared to demand that women who are unchaste shall henceforth be dealt with ‘not as human beings, but as foul sewers’ or some such ‘material nuisance’, without souls, without rights, and without responsibility.” (Butler 1879, p. 185)

In contrast to this Christian individualism, the regulationists based their case on the double standard of sexual morality which was so widely accepted in those days. Their attitude to the prostitute was summed up by the words of one contemporary writer, W. E. H. Lecky:

“Herself the supreme type of vice, she is ultimately the most efficient guardian of virtue.” (quoted in MacHugh 1980, p. 17)

The virtue in question, of course, was the virtue of respectable women, who, it was assumed, would be protected from seduction only if men had access to prostitutes. As for the virtue of men, male immorality was treated as a trivial matter, and the virtue of prostitutes did not count at all. It was taken for granted that it was impossible for men to live without sex, and it followed logically that the only way to stop them catching VD was to ensure a regular supply of healthy prostitutes.

Another consequence of the prevailing hypocrisy was that it was thought improper for a respectable woman even to mention the subject of prostitution in public. In the early years of the campaign, the Ladies' National Association was often denounced in the press, and Mrs Butler was ostracised in polite society, not just for being mistaken in opposing the Acts, but for shamelessness and indecency. The consensus of opinion was that it was better to sweep the whole subject under the carpet.

Mrs Butler's response to the regulationists' case was to argue that, if prostitution was really a necessity, then the state should be “grateful and tender” to prostitutes instead of oppressing them (Butler 1870, p. 113). She refused to accept that it was necessary, however, and commented that:

“The public acknowledgement of such a supposed necessity is deeply degrading to men, both as an avowal that they are utterly and hopelessly the slaves of their own passions, and as an incentive to increased immorality.” (Butler 1870, p. 112)

She was aware of the theory that sexual abstinence was harmful to men's health, which had already gained ground in some medical circles, although it had not yet been given a pseudo-scientific foundation by Freudian psychology; in a letter to her sister in 1875 she described it as:

“This materialism which sets the body above the soul.” (quoted in Johnson and Johnson 1911, p. 140)

A year later, in a letter to two friends, she referred to the need for:

“The purification of the medical profession ... and the exposure and defeat of those deadly materialist doctrines respecting the necessity of unchastity.” (quoted in Bristow 1977, p. 83)

The repealers’ challenge to the power of the medical profession was one of the most significant aspects of their campaign. When the Acts were passed, the majority of doctors supported them as a step forward in the field of preventive medicine, and as early as 1867 a group of leading London doctors set up a society to lobby for them to be extended to the whole country. The regulationist doctors believed that the prevention of disease by all possible means was the only thing that mattered, and considered that their specialised knowledge gave them the right to overrule all opposition. F. C. Skey, the Chairman of the 1864 Committee on the Acts, expressed this view very well in a letter to the *Times* in 1872, when he wrote that:

“Our profession and our profession alone has a right to dictate.” (quoted in MacHugh 1980, p. 249)

Even if the question of individual rights is disregarded, it can be seen in the light of modern medical knowledge that the doctors were quite simply overconfident, and the Acts could never have worked with the primitive methods of diagnosis and treatment that were available in the 19th Century. For example, it was not known at the time that syphilis was infectious in the second stage of the disease, when victims showed no symptoms, and many doctors had not yet accepted that syphilis and gonorrhoea were two separate illnesses. Apart from that, there was nothing to stop a prostitute being reinfected straight away by the first man she had sex with after she was cured. The regulationists always argued that the Acts were working because the VD figures were declining, but in fact the figures continued to decline after the Acts were repealed. Josephine Butler was ahead of her time in realising the importance of vested interests in the state apparatus, and she saw that the doctors who were employed to run the special hospitals were a good example. In a letter to colleagues in 1872 she wrote that:

“When a host of salaried, permanent officials is once established, the system to which they belong must be perpetuated for their sakes.” (quoted in MacHugh 1980, p. 70)

The repealers also argued that the medical profession and the armed forces were both dominated by a decadent aristocracy who cared nothing about the rights of ordinary people, and pointed out that, while a rich woman riding in a carriage could not be mistaken for a prostitute, a poor woman on foot might not be so lucky.

It was this problem of false allegations which provided the repealers with their other main argument. The Special Police relied on rumour and gossip to identify prostitutes, and they could easily make mistakes or be deceived by anonymous accusations made for malicious reasons. Apart from that, there was always the risk of officers being corrupted by their arbitrary power and using it to pursue their own private grudges. Once a girl was in front of a magistrate, it was up to her to prove that she was not a prostitute, and even if she succeeded, the mere fact of a court appearance was often enough to give her a reputation which made it impossible for her to find work or lodgings—except in a brothel. Mrs Butler knew from her experience in Liverpool that many girls from poor families drifted casually in and out of prostitution, but the Acts had such a stigmatising effect on them that it could become impossible for them to escape from the life and find other work, so that the drift became a one-way process.

3. The Long Struggle To Victory

During the 1870s the repealers waged a war of attrition against the regulationist climate of opinion which dominated the political establishment. Their tactics included publishing journals and pamphlets, holding public meetings, petitioning Parliament and lobbying MPs and by-election candidates. Whenever possible they also persuaded sympathetic MPs to introduce repeal Bills into Parliament,

although these stood no chance of success at the time and were valuable purely for publicity purposes.

The campaign suffered a serious setback in the 1874 general election, when the Liberal Party was defeated and the Conservatives under Disraeli came to power. The Conservative Party was so overwhelmingly dominated by regulationists that it was impervious to many of the repealers’ tactics, and Josephine Butler suddenly found herself with no outlet for the energy and enthusiasm which she had brought to the campaign. At this point she decided to turn her attention overseas. Britain was by no means the only country in Europe to have a system of state-regulated prostitution; some of the continental countries had been doing it much longer and on a much larger scale. The French system was one of the worst; in Paris in the 1870s all prostitutes and brothels had to be licensed and registered by the state, and it was illegal for registered prostitutes to go out of doors except between 7.00 and 11.00 in the evening. The Police des Moeurs, who enforced the system, were underpaid and had their wages docked if they failed to meet a quota of arrests, with the result that they regularly took bribes and blackmailed or sexually abused girls. Many girls were forced to become licensed merely because they had been caught in the street with no visible means of support, or because of malicious denunciations. In December 1874, therefore, Mrs Butler embarked on a three-month tour of France, Italy and Switzerland, accompanied by her son Stanley, in an attempt to rally public opinion against regulation. During the tour she met several leading politicians, and in a speech in Paris in February 1875 she spoke out in uncompromising terms against the hypocrisy of the regulationists, declaring that:

“If prostitution is an institution of public safety such as should be organised by governments, even the Ministers, the Prefect of Police, the high functionaries, and the doctors who defend it, fail in their duty if they do not consecrate to it their own daughters.” (quoted in Petrie 1971, p. 178-179)

On her return to Britain she launched a new organisation known as the British, Continental and General Federation for the Abolition of Government Regulation of Vice, to act as a co-ordinating body for repeal campaigns all over Europe. Over the next few years the French branch of the Federation exposed some of the worst abuses in their country, and in 1878 they succeeded in getting the Police des Moeurs disbanded, although a modified form of regulation survived in France for many years and was not finally abandoned until well into the 20th Century.

Meanwhile, in Britain, Mrs Butler and her colleagues were doing their best to publicise the abuses which were occurring under the Contagious Diseases Acts. In one such case, a nineteen-year-old girl from Chatham called Caroline Wyburgh was dragged out of bed in the middle of the night by a Special Police inspector after being seen walking with her soldier boyfriend, and fought so furiously that she had to be put in a straitjacket before she could be examined. She turned out to be a virgin. Another girl was handled too roughly while she was pregnant and had a miscarriage, but the worst case happened in Aldershot in 1875. Mrs Percy, a widow with three children, was supporting her family by working as a music hall artist when the local Special Police, for some reason, decided that she and her sixteen-year-old eldest daughter were both prostitutes. The police demanded that the two women both submit to voluntary examinations, and when they refused, they got Mrs Percy blacklisted from every music hall and public house in town by threatening to prosecute the owners for keeping a brothel if they employed her. Not only did she still refuse to submit, but she even wrote to the *Daily Telegraph* to protest about her treatment. The harassment continued, making it impossible for her to earn a living, until in the end she drowned herself in a canal out of sheer despair. The repealers made sure that the case was given nationwide publicity in the press, and set up a fund to support the three Percy children. Josephine Butler, with characteristic compassion, invited the sixteen-year-old Jenny Percy to stay as a guest at her own home.

As the public became aware of the effects that the Acts were having, the tide gradually turned in the repealers' favour. Sometimes they were still faced with violence; on one occasion, when Mrs Butler was addressing a public meeting in a Manchester theatre, she was knocked to the ground and kicked by a gang of hooligans. They persevered, however, and in 1879 they achieved a political breakthrough when the Conservative government agreed to set up a new Select Committee on the Acts. Its proceedings were painfully slow, but the repealers' cause was helped by the Liberal victory in the 1880 general election, when five regulationist MPs who were serving on the committee lost their seats. In 1882 the Committee published two reports, a majority report in favour of the Acts and a minority report calling for repeal. Over the next few months the repealers lobbied Liberal MPs as vigorously as they could, and their victory came in April 1883 when the House of Commons passed a motion for repeal. A month later the government suspended the Acts. The regulationists fought a rearguard action for a few more years, calling for a reformed system of regulation, but in 1886 the Acts were finally repealed.

THE BELGIAN SCANDAL

By the time the repeal campaign reached its successful conclusion, Mrs Butler had become involved in a new controversy about prostitution. In September 1879 Alfred Dyer, a young Quaker who was active in the London branch of the repeal movement, was told by a friend that a businessman had found a British girl being held prisoner against her will in a brothel in Brussels. (Belgium, like France, had a system of licensed brothels.) It happened that Mrs Butler was in Belgium herself at the time, attending a conference of the British, Continental and General Federation in Liege, and Dyer went straight there and told her the news. She introduced him to some members of the Belgian branch of the Federation, and one of them, a clergyman called Leonard Anet, found the girl in a hospital being treated for VD and helped her to escape to England. Her name was Ellen Newland, she was a nineteen-year-old housemaid from Brighton, and she had been lured to Brussels by an offer of marriage from a Belgian pimp. Dyer did some further investigation with the help of the Belgian repealers, and it emerged that the local brothels were being regularly supplied with British girls, some of them as young as twelve, who were forcibly kidnapped or lured to Belgium by false job offers or marriage proposals. Under Belgian law it was illegal for girls under the age of twenty-one to be employed as prostitutes, but the brothel-keepers were getting false birth certificates from Somerset House and blackmailing the girls by threatening to report them to the police for illegal registration if they tried to escape. The Police des Moeurs, who were supposed to supervise the system, were well aware of what was going on, but they were in league with the brothel-keepers.

In January 1880 Dyer and some of the other London repealers set up the London Committee for Suppressing the Traffic in British Girls. Their first step was to reveal Dyer's discoveries by writing to all the main national newspapers, in the hope that this would force the authorities to take action. All that happened, however, was that Edouard Lenaers, the chief of the Police des Moeurs, and Thomas Jeffes, the British Proconsul in Brussels, both wrote to the papers denying all the allegations. Mrs Butler was then contacted by a French lawyer who told her that two Belgians had just been found guilty of kidnapping after being caught at Boulogne with three British girls who were destined for the brothels in Brussels. She passed on the information to Dyer, who went back to Belgium with another repealer, George Gillett, to try to discover more evidence. In Brussels the two men tricked their way into several brothels by posing as customers, but the only British woman they found was a professional prostitute in her twenties who had no wish to leave. Despite this setback, Dyer took further steps to publicise the scandal. This time the Belgian government decided they had to do something, and they invited the British authorities to see for themselves that all was well. The result was that the Police des Moeurs took two Scotland Yard inspectors on a guided tour of the Brussels brothels, which was carefully organised to make sure

nothing illegal was visible. Shortly afterwards, Mrs Butler received a message from a Police des Moeurs officer, asking her to meet him in Paris. At the meeting he told her that the brothel-keepers had been warned to get all their under-age girls out of sight before the Scotland Yard men arrived. At about the same time, the worst case yet came to light, when a sixteen-year-old girl called Adeline Tanner was deported to England by the Belgian authorities, who had become nervous after Dyer and Gillett's visit. She had been working as a housemaid in London when a Belgian pimp had invited her to a restaurant and given her a drugged drink. In Belgium it had turned out that she could not have intercourse because her vagina was deformed, and she had been taken to a VD hospital and operated on with no anaesthetic.

At this point Josephine Butler took the bull by the horns. Against the advice of her colleagues, who warned her of the risk of a libel action by the Belgian government, she went to a local magistrate in Liverpool and swore an affidavit giving full details of everything she knew. She sent a copy to the Home Secretary, Sir William Harcourt, and then published it in a pamphlet. As she had been warned, the Belgian authorities threatened to sue her for libel, but Harcourt took her seriously enough to send a barrister called Thomas Snagge to Belgium to make an official investigation. Her statement was then published in the Belgian press, and this time all attempts at a cover-up failed. When the whole story came out, it was revealed that Edouard Lenaers's son ran a firm of wine merchants which had an exclusive contract to supply all the brothels in Brussels, and Lenaers's second-in-command, Lemoine, owned two brothels himself. In December 1880 the affair came to an end when Lenaers, Lemoine, another Police des Moeurs officer and eleven brothel-keepers were all tried and convicted in a Brussels court.

CHILD PROSTITUTION

After the Belgian scandal, Mrs Butler and her colleagues urged the government to take steps to make sure nothing like it could happen again, and in 1881 the government responded by setting up a Select Committee of the House of Lords to inquire into the protection of young girls against recruitment into prostitution. The Committee heard evidence from two senior Metropolitan Police officers, who made it clear that the most serious problem was not the traffic to the Continent but child prostitution in Britain itself. At that time the law protecting girls against sexual abuse was far from adequate. A charge of abduction could only be brought by the father of the child in question, so the law was useless if the father was dead or had abandoned the mother. Allegations of rape were very hard to prove because a child's evidence was not admissible in court unless it could be proved that she understood the nature of an oath, and apart from that the victims were usually drugged when the crime was committed. Above all, the age of consent for sex was only thirteen, and had in fact been twelve until six years earlier. Josephine Butler already knew from her experience in Liverpool that child prostitution existed—and that there were rich and powerful men involved in patronising it. It was she who had persuaded Parliament to raise the age of consent in 1875, and she later recalled that the Bill to change the law had been delayed by:

“The passionate remonstrances of some gentlemen against any attempt being made to raise the age even to thirteen, on the ground that their sons would be placed at a great disadvantage.” (quoted in Bristow 1977, p. 91)

In her evidence to the Select Committee she urged that the age of consent should be raised further, and when the Committee published their report in 1882 their most important recommendation was that it should be set at sixteen.

In 1883 the government introduced the Criminal Law Amendment Bill into Parliament to implement the Committee's proposals. It was passed by the House of Lords, but failed to get through the House of Commons. In the same year the campaign against child prostitution gained a new and very energetic source of support in the form of the Salvation Army, and in 1884 the Bill was intro-

duced into Parliament again. The result, however, was the same as before. On both occasions it was the clause raising the age of consent which held it up, and on both occasions the reason was the same as in 1875; some MPs and peers objected to it because it would curtail their own sexual activities or those of their sons.

In 1885 the campaigners were given stark proof of the lengths to which some people in high places were prepared to go defend child prostitution. The previous year, Alfred Dyer's London Committee had learned that a woman called Mary Jeffries was running a high-class brothel in Chelsea where some very unpleasant things were going on. They had employed a former Metropolitan Police inspector as a private detective after he had resigned from the force in disgust when his superiors refused to prosecute her, and he had spent a year gathering evidence against her. By March 1885 the Committee were ready to bring a private prosecution. The only crime with which they could charge Mrs Jeffries was the common-law offence of keeping a disorderly house, but they hoped to gain valuable publicity when their evidence was heard, especially since one of their witnesses was a former housemaid at the brothel who was ready to testify that a thirteen-year-old girl had been raped and flogged by a customer. On 5th May the trial was held. Mary Jeffries arrived at the court escorted by a group of rich young army officers, and pleaded guilty by prior arrangement with the judge so that none of the evidence against her would be heard. The judge let her off with a fine of 200 pounds which was immediately paid by some of her rich customers, and she left the court in triumph with the army officers forming a guard of honour.

Later that month another case gave further proof of the abuses that were taking place. Annie Swan, a seventeen-year-old girl from Shoreham, in Sussex, went to London in response to a newspaper advertisement for a job as a housemaid. On arriving at the address, she found she had been lured into a brothel, where the owner intended to keep her prisoner and force her to work as a prostitute. Being a quick-thinking young woman, she immediately locked herself in the cellar and barricaded the door. She then waited until the small hours of the morning, when everyone had given up trying to break the door down and gone to bed, before creeping out of the building and making her way to the head office of the Salvation Army, the address of which was in a hymn book that she had with her. The astonished staff later confirmed the truth of her story by going to the brothel and retrieving her luggage. On 22nd May, a few days after Miss Swan's narrow escape, the Criminal Law Amendment Bill ran out of time in the House of Commons for the third year running.

After this series of events, Josephine Butler and her friends decided that desperate measures were necessary. On 23rd May Benjamin Scott, the Chairman of the London Committee, went to see W. T. Stead, who was the editor of one of the leading London newspapers of the time, the *Pall Mall Gazette*. Stead was a pioneer of modern methods of investigative journalism, with bold, eye-catching headlines and sensational exposures. He was a devout Christian, and he had supported the campaign against the Contagious Diseases Acts since the early 1870s, but he also had a highly-strung personality tending towards emotional instability, and his journalism was sometimes rather tasteless. Apart from that, his political views were more socialist than libertarian. For these reasons, Mrs Butler had her reservations about enlisting his support, as did many of her colleagues, but the events of May 1885 had made them willing to try anything. Stead was so shocked by what Scott told him that he made up his mind to end the scandal of child prostitution once and for all.

Stead decided to set up a "Secret Commission" to investigate child prostitution, including among its members Josephine Butler and representatives of the London Committee and the Salvation Army. As part of the investigation, two young women, a *Pall Mall Gazette* employee and a Salvation Army girl, disguised themselves as prostitutes and infiltrated brothels at great risk to their own safety, escaping before they had to provide any sexual services. Stead's most controversial move, however, was to set out to buy a child himself, on the understanding that it was for the purpose of pros-

titution, just to show it could be done. Mrs Butler had set up a refuge for ex-prostitutes in Winchester which was being run by Rebecca Jarrett, a former brothel-keeper who had become a Christian and joined the Salvation Army. (The Butlers had been living in Winchester since 1882, when George had retired from Liverpool College and been appointed a Canon at Winchester Cathedral.) Mrs Jarrett still had contacts in the London underworld, and through them she found a thirteen-year-old fatherless girl called Eliza Armstrong, whose mother was willing to part with her for £5. Stead paid the money, but instead of a brothel, Eliza went to the refuge in Winchester.

On 6th July 1885 the *Pall Mall Gazette* published the first of a series of four articles under the heading "The Maiden Tribute of Modern Babylon", which described the Secret Commission's discoveries in the most lurid terms imaginable. Special emphasis was given to the case of Eliza Armstrong, but without mentioning that it was Stead himself who had bought her. The editors of most of the other national newspapers condemned Stead, but not so much for the tasteless style of the articles as for daring to publicise a problem which they would have preferred to sweep under the carpet. The general public, however, reacted with an outburst of fury which swept through the country like a tidal wave. The *Pall Mall Gazette* was banned by W. H. Smith's, but the street vendors were overwhelmed by the demand. Thousands of people marched through London and rallied in Hyde Park, demanding an end to the scandal. The government could not ignore the public mood, and they rearranged the Parliamentary schedule to make time for the Criminal Law Amendment Bill, which was passed on 14th August. The new law raised the age of consent to sixteen, made a child's evidence admissible in court without an oath, and imposed new penalties for using drugs to commit rape or procuring a girl to become a common prostitute in Britain or overseas. A few months later Stead's shock tactics backfired on him when the truth about Eliza Armstrong came out, and he and Mrs Jarrett were both given jail sentences for abduction, but by that time he was a national hero, and the public were willing to support him no matter what he did.

AFTERMATH

Seven days after the passing of the Criminal Law Amendment Act, W. T. Stead launched a new organisation called the National Vigilance Association, to campaign for higher standards of sexual morality in British society. Josephine Butler supported the new campaign at first, as did many members of the Ladies' National Association, but she soon started to have second thoughts when she realised the direction in which Stead and some of his friends were heading. She had always believed very firmly in protecting women and children against abuse and coercion, but as a libertarian she believed equally firmly in keeping the law of the land and the conscience of the individual in their proper spheres of influence. Stead, on the other hand, made it clear that he wanted the law to intrude far into those areas of sexual behaviour which by libertarian standards should be strictly matters of personal conscience. Within a short time, Mrs Butler decided to break off all links with the NVA. A few years later she summed up her views in a letter to a friend:

"I have never heartily sympathised with the work of the Vigilance Society, and yet undoubtedly they have done much good, many good things. But there is a constant tendency towards external pressure, and inside that a tendency to let the pressure fall almost exclusively on women because it is more difficult, they say, to get at men. It is dangerous work, in reference to personal liberty, but few people care for liberty or personal rights now. Our only hope is in a higher standard." (quoted in MacHugh 1980, p. 264)

At about the same time she also commented that:

"We have learned that it is not unusual for men and women to discourse eloquently in public, of the home, of conjugal life, of the divinity of womanhood ... and yet be ready to accept and endorse any amount of coercive and degrading

treatment of their fellow creatures, in the fatuous belief that you can oblige human beings to be moral by force, and in so doing that you may in some way promote social purity.” (quoted in Walkowitz 1980, p. 252)

Mrs Butler’s differences of opinion with the NVA became clearly visible in an incident in Winchester in 1894, when the local NVA branch asked her to support a campaign to close down a music hall in the town where the owner was allowing prostitutes to pick up men. She had always supported strict laws against soliciting in the streets, whether by prostitutes or by would-be customers, but she did not believe the law should interfere with this kind of behaviour in private places. She wrote back to the NVA, turning down their request and explaining that:

“I continue to protest that I do not believe that any real reform will ever be reached by outward repression ... The principle of the Federation has always been to let individuals alone, not pursue them by any outward punishments, not to drive them out of any place, so long as they behave decently—but to attack organised prostitution, that is, when a third party, actuated by the desire of making money, sets up a house in which women are sold to men.” (quoted in Bristow 1977, p. 155, and Petrie 1971, p. 228)

Although she never actually used the words “consenting adults in private”, which were made famous by the Wolfenden Committee more than sixty years later, her own views on the proper role of the law in relation to sex were obviously running along very similar lines.

Until her death in 1906 she maintained a principled stand against coercive intervention in matters of private morality. In 1902, when she was a widow living alone in a flat, a young woman moved into the flat below her and started working, quietly and unobtrusively, as a prostitute. The neighbours petitioned the landlady to evict the girl, but Mrs Butler refused to sign. As always, she took the view that when another person’s private behaviour was causing no harm or nuisance to other people, it was wrong to interfere.

VICTORIAN VALUES AT THEIR BEST

A few years ago the historian Edward Bristow called Josephine Butler “a non-repressive puritan” (Bristow 1977, p. 84). This apparently paradoxical description shows how difficult it can be for people who are used to thinking in terms of the concepts and categories of the permissive society—even sympathetic commentators like Bristow—to understand her philosophy. It is part of our modern conventional wisdom that the hypocrisy of Victorian times and the cynical moral relativism of today are the only possible attitudes to sex and no alternatives exist. Josephine Butler’s career stands as proof that this is not the case.

Her life history should also serve to refute a few other fashionable modern myths. There is a widespread belief in permissive circles that all women who are against sexual permissiveness are either ugly, sexually frustrated, or both. Josephine Butler, by contrast, was described by her contemporaries as a very attractive woman, and by all accounts her marriage was an extremely happy one. (George Butler’s own career in the academic world and the Church of England was often severely hindered by his wife’s controversial activities, but he always supported her totally in everything she did.) On a more serious level, it is instructive to compare the empirical evidence of her life with the theories of Wilhelm Reich, the Austrian psychologist who in 1920s made the world’s first attempt to combine Freudianism with Marxism, and whose ideas became very influential in the 1960s. Reich could not understand why the majority of workers had not become Marxists when according to the labour theory of value they were all being “exploited” by the capitalists; his explanation was that they were all in a state of sexual repression which had somehow deprived them of the courage to stand up and fight for their rights. By Reich’s standards, Josephine Butler’s Christian values were undoubtedly highly repressive; readers may judge for themselves whether she was lacking in courage.

Whatever her virtues, it should not be supposed that her character was entirely faultless. She was inclined to be vain about her personal appearance, and was often given to self-publicising and showing off. Being a country landowner’s daughter, she sometimes had a trace of snobbery in her attitude towards traders and businessmen. Above all, her single-minded dedication to her chosen cause often made her blind to the facts of political reality. She resented it when public attention was distracted by other important issues like the Franco-Prussian War and Irish home rule, and she easily grew impatient with politicians who did not share her own priorities. Finally, she tended to be a hypochondriac. She was always convinced that her health was about to break down through sheer exhaustion, but although she did once suffer a genuine collapse due to overwork (in 1875, after her Continental tour), she eventually lived well into her seventies. It is worth noting here that, despite all the energy and effort which she put into her campaigns on the question of prostitution, they did not occupy all of her time. In 1871 she found the time to set up the Vigilance Association for the Defence of Personal Rights, which campaigned on other issues such as the illegitimacy laws and laws which restricted the employment of women.

Taking all her strengths and weaknesses into account, she remains one of the most remarkable women of the 19th Century.

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The campaigns against the Contagious Diseases Acts and child prostitution have often been described in print, but many books do not make clear the libertarian background of Josephine Butler’s views. An exception is Petrie 1971, which is the most comprehensive biography of Mrs Butler. Another excellent recent work is MacHugh 1980, and Bristow 1977 is also worth reading, although it covers a wider field. Pearson 1972 has a slight bias in a permissive direction and plays down the seriousness of some of the sexual abuses, and Walkowitz 1980 continually tries to impose a socialist interpretation on events, but they both provide some useful extra information.