

ATTITUDES TO VENEREAL CONTAGION IN VICTORIAN LIVERPOOL

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In 1864 the first Contagious Diseases Act [CD Act] was brought into effect in eleven military stations, garrisons and seaport towns in Southern England and Ireland in order 'to increase the efficiency of the armed forces by decreasing the cost of treating venereal disease among the bachelor troops'.¹ The Act was designed to limit venereal disease [VD]² through the regulation of prostitutes and all women in these areas believed to be prostitutes were forced to undergo fortnightly medical examinations in clinics. If, on inspection, they were found to be free of disease, they were allowed to continue 'to ply their trade as long as they were not public nuisances'.³ However, if found to be infected with VD, they were detained in special wards or in lock hospitals until cured of the disease; they were also expected to be 'reclaimed' by the moral training received in the lock ward. This first Act of 1864 was further extended in 1866 and 1869 to cover eighteen specific areas, where 'special plain-clothes constables were stationed in subjected districts and assigned the task of identifying the women and forcing their submission to a medical examination'.⁴

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- 1 Linda Mahood, *The Magdalenes: Prostitution in the Nineteenth Century* (London: Routledge, 1990), p. 138.
 - 2 'Venereal Disease presents itself in two forms; Gonorrhoea, and sores or ulcers ... [which] may be termed syphilitic or simple ... all venereal sores are liable to contaminate the constitution by the development of syphilitic disease or syphilis'. Report to the Right Honourable The Lords Commissioners of the Admiralty and the Right Honourable The Secretary of State for War, British Parliamentary Papers [hereafter BPP], 1868-9, vol. 4, Infectious Diseases, p. vii.
 - 3 Judith R. Walkowitz, *Prostitution and Victorian Society: Women, Class and the State* (Cambridge: CUP, 1980), p. 14.
 - 4 Mahood, p. 139. The designated areas covered by the Acts were Aldershot, Canterbury, Chatham, Colchester, Down, Gravesend, Maidstone, Plymouth, Devonport, Portsmouth, Sheerness, Shorncliffe, Southampton, Windsor, Woolwich, The Curragh, Cork, Queens-town.

Under the CD Acts, only prostitutes were subjected to internal examinations, not their clients, despite the fact that the prostitutes, even if treated, would most likely be reinfected by their partners.⁵ Walkowitz states that 'the initial rationale for the acts hinged on their exceptional status as national defence legislation' and that 'many officials continued to believe that sexual promiscuity among civilians rightly constituted a private medical risk for the parties concerned'. McHugh states that the⁶

initial suggestion, that the examination of enlisted men be included under the Act in order to discourage soliciting by both sexes, was quickly ruled out because the Act was based on the premise that women and not men were responsible for the spread of disease and that while men would be degraded if subjected to genital examination, the women who satisfied male sexual urges were already so degraded that further indignities scarcely mattered.

Mahood considers that working-class women were seen as 'polluters' and responsible for the 'genetic deterioration' of the race.⁷

Although the CD Acts were originally designed to decrease the incidence of VD only in the designated stations in the South, great efforts were made from 1867 onwards by civilian doctors and the authorities to extend the acts to the northern civilian population. They argued that 'such a system diminished public vice and public disorder at the same time that it organised and sanitised the practice of prostitution'.⁸ However, by 1869, attempts at extension met with public agitation from, among others, Josephine Butler and the Ladies National Association [LNA]. These women considered the acts 'immoral and unconstitutional' as 'they officially sanctioned male vice', whilst violating women's rights.⁹ The public debate as to whether the CD Acts should be extended or repealed continued until 1883 when they were suspended; they were removed from the statute books in 1886.

Several case studies suggest that towns other than those designated may have been affected by the implementation of the CD Acts. Mahood, for example, sees a kind of 'moral enforcement' as occurring in Glasgow, where

5 Walkowitz, p. 73.

6 Paul McHugh, *Prostitution and Victorian Social Reform* (London: Croom Helm, 1980), p. 17.

7 Mahood, pp. 34 and 149.

8 Walkowitz, pp. 79-80 which discuss the 'extensionist association'.

9 *Ibid.*, p. 2.

the police focused their attention on the surveillance of prostitutes, seen as symbols of 'wider anxieties about public order and the moral habits of the "unrespectable" poor'.¹⁰ She further considers the 'Glasgow System' was adopted as a model for similar systems of police action in English cities, most notably in Manchester and Leeds.

Outside the designated areas, state regulation of prostitution by compulsory examination was not a legal option. However, the police were encouraged towards 'moral enforcement' by general support for control of prostitution by both extensionists and repealers alike: the first saw prostitution as a necessary evil which needed to be regulated everywhere; the second rejected the acts for the double standard they enshrined but nevertheless sought the suppression of prostitution and VD by the rescue of 'fallen' women.

This paper aims to assess whether moral enforcement was experienced in Liverpool between 1864 and 1886, the period of the CD Acts, although it will of necessity be forced to view prostitutes and prostitution through the eyes of the middle class and the criminal statistics furnished by the Police Annual Reports, notoriously open to interpretation from a historiographical point of view.¹¹ This present study does not attempt to assess the extent of prostitution in Liverpool; it takes as its starting point the not unreasonable assumption that the number of arrests reflects the level of police activity in this area and that this can be used to assess the degree of moral enforcement. The major flaw of these particular police statistics is that the surviving records for 1864-1886 are fragmentary, with several years (1868, 1872, 1880 and 1886) missing altogether.¹²

The police and prostitution in Liverpool, 1864-1886

Although prostitution was not in itself illegal, the running of houses of ill fame, living off immoral earnings, and soliciting of and by prostitutes, were. However soliciting was only considered an offence if the woman arrested was a common prostitute, if she loitered in a public place for the purpose of prostitution or if she was annoying bystanders or residents of the local area. The

10 Mahood, pp. 120-21.

11 See, for example, V. Gatrell & T. Hadden, 'Nineteenth Century criminal statistics and their interpretation', in *Nineteenth Century Society: Essays in the use of quantitative methods and study of social data*, ed. by E. A. Wrigley (London: CUP, 1972), pp. 350 and 361; R. Sindall, 'The criminal statistics of Nineteenth Century cities: a new approach', *Urban History Yearbook*, 1986, pp. 34-35.

12 The missing data can occasionally be recovered from the reports for subsequent years.

main problem for the police in making a charge of soliciting stick under the Vagrancy Law, was ensuring that the prostitute was indeed a public nuisance. There were 'frequent changes in the interpretation of the law by the magistrates' who varied as to how much they trusted the police account of events and how much they sought corroboration from a member of the public.¹³

During the period 1864-1886, the number of offences determined summarily by the Liverpool Justices (minor offences such as drunkenness, prostitution, the use of obscene language and vagrancy) was steadily increasing overall. This is perhaps to be expected bearing in mind the growth in population size (from 443,938 in 1861 to 493,405 in 1871), although theoretically such an increase might also reflect a change in definition of particular crimes or an expansion in the size of the police force. Until 1870 the median number of prostitutes proceeded against or convicted each year in Liverpool had stood at 300 and 200 respectively. However, 1871 saw a huge upsurge to 3,388 proceeded against and 1,902 convicted. This higher number of prostitutes proceeded against was to remain fairly constant throughout the rest of the period (averaging around 3,300 annually).

Such a dramatic increase in the number of prostitutes proceeded against summarily and convicted in the space of one year needs to be explained, since there is no evidence for any simultaneous sudden change in the circumstances commonly attributed to the move into prostitution in the nineteenth century: economic decline, the dismissal of pregnant servants, wantonness, overcrowding, or simple supply and demand. Nor does there seem to have been any huge increase in 1871 in the number of police patrolling the city streets or any change in the law making it easier for the police to arrest more prostitutes in 1871 than previously. The 1871 phenomenon could perhaps be explained by an increase in the efficiency of the Liverpool police, but this is unlikely to have occurred so suddenly during a single year. Even if this had been the case, it would surely have resulted in an overall increase in the number of offences determined summarily by the Justices. Although the 1871 figure does indeed show an increase over the previous year (from 40,784 to 43,926), it is not of the same magnitude as that which occurred with respect to prostitution alone. Some other factor appears to have affected the number of convictions for prostitution.

By now, there was increased public awareness of the prevalence of prostitution and VD, thanks to the promotion of the CD Acts, the propaganda generated by the repeal and extensionist movements, and the sheer visibility of the 'great social evil'. Concern for the moral state of the nation on the part of

13 R.Storch, 'Police control of street prostitution in Victorian London: A study in the contexts of police action', in *Police and Society*, ed. by D.Bailey (1977), p. 49.

the middle class and the respectable working class (who rallied to the side of Josephine Butler) must inevitably have put pressure on the police to control prostitution (and thereby improve the appearance of the streets) by clamping down on prostitutes and brothel-keepers. The working-class police, 'internalising authoritarian values and deferring to conventional standards of respectability'¹⁴ seem likely as a result to have focused more of their attention on the problem. The vast increase in convictions of 1871 can be seen as a change in police priorities. Sindall suggests that such a change in focus 'would produce an apparent change in the number of "criminals" or the amount of "criminality" in a given area'.¹⁵ This is certainly what appears to have happened with respect to prostitution and its policing in Liverpool between 1870 and 1871.

One clear indication of this 'moral enforcement' is an annual re-arrest rate¹⁶ for prostitutes of between 1.97 and 3.54 from 1871 onwards. This reinforces the possibility that there were not necessarily more prostitutes on the streets of Liverpool in 1871 than there had been in 1870, but that the police were applying more pressure on the prostitutes known to them in their attempts to clean up the streets. These 'known' women became easy targets used by the police to demonstrate to the public that they were dealing with the problem of prostitution in at least moral enforcement of the CD Acts.

Brothel-keeping also experienced moral enforcement between 1870 and 1871: the number of crimes committed and the number of persons sent for trial and convicted more than doubled from one year to the next.¹⁷ However, after 1871 this moral enforcement with regard to brothel-keepers tailed off, with only one resurgence in 1878. This may be seen as due to the police concentrating their efforts on clearing up the streets; closing brothels would have driven more prostitutes onto the streets and therefore increased the visibility of prostitution, thus defeating the aim of the exercise.

14 V. Gatrell, 'Crime, authority and the policeman state, 1750-1950', in *The Cambridge social history of Britain, 1750-1950*, ed. by F.M.L. Thompson (Cambridge: CUP, 1990), p. 272.

15 R. Sindall, 'The criminal statistics of Nineteenth Century cities: a new approach', *Urban History Yearbook*, 1986, 31.

16 This can be calculated by dividing the number of prostitutes claimed to be known to the police on the 29 September each year by the number of prostitutes proceeded against summarily.

17 Number of crimes committed: 29(1870), 56(1871); number of persons sent for trial: 23(1870), 55(1871); number of persons convicted: 20(1870), 45(1871).

The influence of Josephine Butler on events in Liverpool

The Butlers moved to Liverpool in 1866 in an attempt to start afresh after the tragic death of their only daughter, Eva, in 1864. It was in Liverpool that Josephine Butler's interest in prostitutes began after her cousin, Charles Birrell, encouraged her 'to ease the anguish of her personal unhappiness by contact with the unhappiness of others' and directed her to the Liverpool workhouse on Brownlow Hill.¹⁸ There she came into contact with prostitutes and learned of their lives. Her encounters led her to attempt to reclaim these 'fallen' women, taking them into her own home and setting up an Industrial Home for destitute women where they received training for employment. She believed the main cause of prostitution to be economic, and saw these women as 'victims of poverty and injustice, rather than of sin'.¹⁹ Harrison suggests, 'if it had not been for the introduction during the 1860s of what we called the Contagious Diseases Acts, Josephine might have remained a respected but obscurely provincial doer of good works, operating on a purely individual and non-political basis'.²⁰

Josephine Butler entered the campaign for the repeal of the CD Acts in 1869, as the leader of the LNA, 'in response to efforts to extend the acts to the North'.²¹ She saw the CD Acts as 'the most flagrant of injustices against women, the most outrageous and degrading declaration of their inferiority. Here were men at their most vile'.²² After featuring in the *Daily News* on 31 December 1869, these violations of women's rights, as they were described by Butler and the LNA, were given little press publicity; in fact throughout the rest of the period that the CD Acts were in place, there remained an orchestrated silence in the press concerning the repeal campaign, except for sporadic denunciations of Butler and the other repealers. This silence is clearly not represen-

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- 18 Margaret Simey, *Charitable effort in Liverpool in the Nineteenth Century* (Liverpool: Liverpool University Press, 1951), p. 76.
- 19 Pat Thane, 'Josephine Butler, 1828-1906', in *Founders of the Welfare State*, ed. by Paul Barker (London: Heinemann, 1984), p. 19.
- 20 Brian Harrison, 'Josephine Butler', in *Eminently Victorian: Aspects of an age*, ed. by John Fletcher Clews Harrison *et al.* (London: British Broadcasting Corporation, 1974), p. 88.
- 21 Josephine Butler was born in 1828, the seventh child of John and Hannah Grey of Dilston, Northumberland. In 1851 she married George Butler, an Anglican clergyman, who later became an Oxford University examiner, vice-principal of Cheltenham College and principal of Liverpool College. Together they had four children, three boys and one girl, Eva who died suddenly in 1864. Butler died in 1906 (Thane, p. 21).
- 22 Simey, p. 79.

tative of what Butler was actually doing, as can be seen from her many speeches, her petitioning of government, and her writings. Butler later stated, 'the denial to us of publicity in the press made it of urgent necessity that we should continually address the public in other ways'.²³ In effect, 'the silence of the press could not prevent the movement from making an impact on public opinion'.²⁴

Despite the fact that Butler constantly emphasised the importance of having newly-emancipated working men support her campaign, ultimately the people who controlled affairs locally were a small middle-class minority able to influence the police and any other 'technologies of power' to their advantage.²⁵ After the publication of the LNA Manifesto in the *Daily News*, Butler concentrated her efforts more on the national repeal than on her local reclamation of prostitutes in Liverpool, but she clearly had many contacts within the middle-class elite of Liverpool of which she was herself a prominent and outspoken member. Later in life she stated that as a result of her campaigning she and her husband 'had to endure the cold looks of friends, the scorn of persons in office and high life', many of whom she had mistakenly expected to support the repeal movement.²⁶ However, she does mention some local contacts as sympathising with her cause of trying to provide employment by buying the envelopes that were made by the women in her Industrial Home. These sympathisers would undoubtedly have learned of the repeal campaign from Butler herself in her attempts to enlist support. Even though many might not have agreed with her on all the issues she contested, the local middle-class dignitaries who formed the small ruling minority in the police, the Watch Committee and the Port Health and Sanitary Committee would also have been aware of her campaign through the networks of marriage and religious affiliation that linked them together locally and nationally. It was these individuals

23 Josephine Elizabeth Butler, *Personal Reminiscences of a Great Crusade* (London: H. Marshall & Son, 1896), p. 34.

24 Enid Moberly Bell, *Josephine Butler: Flame of Fire* (London: Constable, 1962), p. 80.

25 Josephine Butler, unknown speech as quoted in Millicent Garrett Fawcett & Ethel Mary Turner, *Josephine Butler: her work and principles, and their meaning for the Twentieth Century, especially written for Josephine Butler Centenary* (London: Association for Moral and Social Hygiene, 1927), p. 5. One example of the working-class vote affecting the government on the issue of the CD Acts is the 1870 Colchester election. 'Technologies of power' is a term coined by Mahood, pp. 1-3. It is used to describe lock hospitals, Magdalene asylums and police repression.

26 Josephine Butler, speech, nd., quoted in Joyce Ansell, *Josephine Butler: compassion with a touch of genius* ([London], 1978), reprinted from *Times*, 15 February 1978.

who were affected one way or another by Butler's national campaign and who promoted the moral enforcement that occurred in Liverpool after 1870.

The compulsory inspection that occurred in the South under the CD Acts (considered by the repealers to cruelly degrade women by using 'that steel penis, the speculum'), was certainly not extended to Liverpool during the moral enforcement.²⁷ The existing system of voluntary admission to the lock hospital on Ashton Street remained in place; women came forward because they felt they needed to be treated rather than suffer further from a 'contagious disease'. Whether this system of voluntary admission was successful in controlling the incidence of VD was debated at great length by local medical men such as F.W.Lowndes, who for his part advocated the extension of the compulsory inspection of prostitutes to Liverpool as a means of bringing the disease under control.

The police had wide-ranging power over women in the city. The outcome of being arrested might be less traumatic in Liverpool than where compulsory examination was enforced, but mistakes could easily be made by policemen which could ruin a working-class woman's valuable reputation. J. Birkbeck Nevins quotes an example of wrongful arrest in Liverpool in 1874 where a young woman, in the company of a man, was arrested in Hope Street for being a disorderly prostitute. This woman refused to accompany the officer to the station and when another policeman arrived at the scene 'she took their numbers, and summoned the first for an assault'. The female subsequently proved to the magistrate that she was a restaurant waitress who had been on her way home, accompanied part of the way by a male friend whom the policeman had taken to be a client. Nevins stated that this woman would not have been able to do this had she lived in one of the eighteen 'protected towns'.²⁸ It would seem that Butler's argument that women should not be punished for an offence that was not clearly defined had no effect on the moral enforcement in Liverpool.

Butler's attempts to do good for prostitutes in the subjected districts can be seen as having made things tougher for prostitutes in Liverpool. She seems to have been quite unconcerned at the effect that she had on the local middle-class ruling elite which was to lead them to increase the power over women's lives given to police. The resultant 'moral enforcement' was a strategy to which many of the LNA were opposed, as constituting 'a dangerous extension

27 Judith R. Walkowitz, 'Male vice and feminist virtue: Feminism and the politics of prostitution in Nineteenth Century Britain', *History Workshop Journal*, 13(1982), 92.

28 John Birkbeck Nevins, MD Lon., *Statement of the grounds upon which the Contagious Diseases' Acts are Opposed, addressed to the Right Honourable R.A. Cross MP, HM Secretary of State for the Home Department* (London, 1874), p. 22.

of state power'.²⁹

Medicine and morality: the Liverpool medical profession and the CD Acts

With the rise of scientific medicine in the nineteenth century, the medical profession had assumed the role of 'experts'. It was hence considered that as 'curers' of the disease, only medical men were in a position to determine whether the Acts were proving effective in reducing the incidence of VD and their pronouncements were used to support the cases of both Government and campaigners alike. The medical profession in Liverpool conducted its own debate as to whether the CD Acts should be repealed or extended to cover the 'civil population'. Its two most prominent campaigners were J. Birkbeck Nevins who argued for repeal, and F.W.Lowndes who pressed for the extension of the Acts. As part of the middle class, doctors formed an important element in the local ruling hierarchy. Regarded as knowledgeable and well-educated men who were experts in their field, their views on the CD Acts were taken seriously by their peers.

During the period of moral enforcement Nevins was the consulting surgeon to the Liverpool Eye and Ear Infirmary; he was also senior lecturer at the Liverpool Royal Infirmary School of Medicine and consulting physician to the Stanley Hospital. Nevins was not a venereologist, yet he established himself as an influential physician in the controversy over the CD Acts. Through his analysis of the effect the acts had on the control of VD in subjected districts, he changed from being a supporter of the legislation to an ardent repealer. Infuriated by the refusal of the medical press to accept articles opposed to the CD Acts (a stance he saw as manipulation of public opinion), he established *The Medical Enquirer* to provide a platform for supporters of repeal in the medical profession. He became the 'great statistical champion' of the LNA and it was to him that Butler looked for evidence that the Acts were failing to achieve what they set out to do — control VD by the regulation of prostitution.³⁰ Lowndes, on the other hand, was surgeon to the Liverpool Lock Hospital and a specialist in venereology. Unlike Nevins, Lowndes represented the consensus of medical opinion as expressed in the *British Medical Journal* and the *Lancet*. He came into contact with cases of VD daily and attempted to calculate the incidence of VD in Liverpool.

The medical profession of the period believed they were capable of curing VD,³¹ which in actual fact they were not. In the absence of antibiotics and

29 Walkowitz, 1980, p. 140.

30 Butler, 1896, p. 180.

31 Report to the Right Honourable The Lords Commissioners of the Admiralty and the Right

accurate diagnostic techniques such as the Wassermann test (introduced in 1906) syphilis and gonorrhoea were never completely cured in the nineteenth century. Smith points out that the repealers were right to suggest that the CD Acts would not prevent disease, but for the wrong reasons:³²

Inspection, hospitalisation, treatment with mercuric salts, potassium iodide purgatives, low diet, cauterisation of the sores, surgical removal of parts of the penis or labia could not surely overcome any of the STDs. Soap and water, clean clothes and rest probably did best.

In reality, the 'only real preventative, ... was careful sexual practice or chastity'.³³

The fact that many pressed for the extension of the Acts in order to control VD, suggests that the incidence of such diseases was seen by many as an increasing problem which needed to be brought under control and that 'only by enforced medical examinations of prostitutes could the floodgates against rampant VD be closed'.³⁴ This was an issue over which Lowndes and Nevins were at odds. Their conflicting views were published between 1875 and 1877, over four years after the beginning of moral enforcement in Liverpool. Lowndes drew on the police annual reports to state that³⁵

in the year 1870 there was a very great deal of attention drawn to the state of the streets in Liverpool; the number of prostitutes plying their trade and accosting and annoying passers by, was something worse than had ever been seen before.

This attracted 'the serious attention of the magistrates and the police authorities'.³⁶ Lowndes clearly perceived there to have been a moral enforcement

Honourable The Secretary of State for War, BPP, 1868-69, vol. 4, *Infectious Diseases*, pp. ix-xii.

32 F.B. Smith, 'The CD Acts Reconsidered', *Soc.Hist.Med.*, 3(1990), 213.

33 *Ibid.*, 215.

34 Margaret Forster, *Significant Sisters: the grassroots of active feminism, 1839-1939* (London: Secker & Warburg, 1984), p. 185.

35 F.W. Lowndes, Report from the Select Committee on the Contagious Diseases Acts, BPP, 1882, vol. 7, *Infectious Diseases*, p. 509.

36 F.W.Lowndes, *The Extension of the Contagious Diseases Acts to Liverpool and other sea-ports practically considered* (Liverpool, 1876), p. 27.

of the spirit of the Acts from 1871 onwards as he said:³⁷

certainly there has been some improvement, and there is not the same amount of shameful solicitation as there used to be; but still there is plenty of room for improvement, and you will see that the number of women proceeded against shows no very important diminution.

Lowndes stated in no uncertain terms that the level of disease among the prostitutes of Liverpool could not 'be accurately ascertained till periodical inspection of all known prostitutes [was] enforced', but suggested that by looking at the levels in ports where the Acts were enforced it was possible to 'arrive at some approximation'. After 'considering the frightful severity of the disease in the women seen at the dispensaries, [and] in the Lock Hospital', he concluded that at least forty per cent of prostitutes in Liverpool 'would be found infected with VD'.³⁸ He gives no evidence as to whether this figure represents an increase or decrease over previous years, but the admissions returns of the Liverpool Lock Hospital for 1860-75 do not show any wild fluctuations. Lowndes went on to argue that VD had 'always been much more prevalent than the general public have been willing to believe' and that the extension of compulsory inspection and detention under the CD Acts was necessary 'if the disease is to be reduced', as many women 'do not come in until they are so very much diseased that they cannot possibly continue their calling', due to pains on intercourse or urination.³⁹

Lowndes saw moral enforcement of the Acts as ineffective in decreasing the incidence of VD, although it did decrease the number of prostitutes on the streets as he illustrated in his testimony to the Select Committee in 1882: after he complained to the police about soliciting near his home, 'two officers in plain clothes were then put on and the women convicted'.⁴⁰ He recommended that in order to control VD (which he saw as a social duty), it was necessary to enforce compulsory inspection not only of prostitutes, but also of 'all mer-

37 Lowndes, 1882, p. 513.

38 Lowndes, 1876, p. 34. Prostitutes were the overwhelming majority of women treated in the Lock Hospital according to Lowndes who stated that 'we have ten to twelve married women every year in the hospital' (Lowndes, 1882, p. 509).

39 Lowndes, 1876, p. 38; *idem*, 1882, p. 515.

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chant seamen on arrival and departure'.⁴¹ VD was 'to be treated by the aid of surgeons, who are to be assisted to a certain extent by the police ... [whose] duties should be very strictly defined and performed under very strict supervision'.⁴²

On the other side of the debate, Nevins's main argument for the repeal of the CD Acts (apart from the fact that they seemed to him to be morally wrong) was that the regulation of prostitution could not lessen the incidence of VD; instead regulation would increase it, by forcing women into clandestine prostitution where VD became uncontrolled and endemic. As the LNA's statistician, Nevins set out to demonstrate that compulsion was not necessary in order to stamp out VD, and to show that 'the absurdity, exaggerated and alarmist notions concerning the prevalence of VDs, which those who delight in the CD Acts industriously disseminate' were inaccurate.⁴³

The Navy Report for 1867 spoke of Liverpool as 'a hotbed of syphilis', 'spreading it broadcast over the world', but Nevins disagreed.⁴⁴ He investigated the number of diseased patients in the Navy, the mercantile marine, the workhouses, the large voluntary hospitals and the Lock Hospital in Liverpool during the period of the CD Acts. He found that in the Navy in Liverpool there was on average 'less by 120 per 1,000 [cases of VD] than the average of the 'Royal Adelaide', for nine years under the Acts in Plymouth, and less by 150 per 1,000 than the 'Duke of Wellington', for nine years in Portsmouth under the CD Acts'. He reported that the mercantile marine had 'not a single death from VD at sea'; he says nothing of the general incidence of the disease in the mercantile marine. In the workhouses, VD was found in less than 5 per 100 patients, and the large voluntary hospitals showed fewer than 3 cases of secondary VD per 100 patients. Looking at the Lock Hospital where Lowndes was a surgeon, Nevins stated that there were on average 463 patients per annum, and taken as a percentage of the local population, there was less than 1 case of VD per 100 of the population. By considering the annual report for mortality in Liverpool, he found in 1876 that 'out of the entire number (14,176) of deaths from all causes, there were just 70 returned as from syphilis ... or in other words, only 1 person in nearly 8,000 of the population dies annually from

41 Lowndes, 1876, p. 77.

42 Lowndes, 1882, p. 520.

43 J. Birkbeck Nevins, *The Medical Enquirer*, 15 June 1876.

44 *Ibid.*, 18 May 1878.

that cause in Liverpool'.⁴⁵ From this evidence, Nevins concluded that the figures 'do not warrant the language about the town being a "hotbed of syphilis", nor support the statement as to the alarming amount of VD existing in it'. Liverpool could not give levels of VD as an excuse for extending the CD Acts.⁴⁶

Many, such as Lowndes, believed that the compulsory examination of prostitutes was legitimate; prostitutes were a socially marginalised group due to both their gender and their class. Lowndes typified the nineteenth century attitude towards women — that they should be subjected to whatever the state perceived to be necessary for them. In pushing for the extension of the Acts, he tried to institutionalise prostitution, a move which Nevins and Butler had argued was avoidable since women entered prostitution for economic reasons. However, Lowndes did not consider the institutionalisation and regulation of prostitution to be a violation of women's rights or consider them moral issues as Nevins did; he believed this to be a practical way of dealing with what was at the time seen as an increasing problem. Lowndes believed that compulsion was necessary before VD could be controlled, whereas Nevins did not perceive VD to be a serious threat that needed controlling since the numbers it affected, according to him, represented only a tiny proportion of the total population.

45 *Ibid.*, 15 June 1876.

46 *Ibid.*, 18 May 1878.