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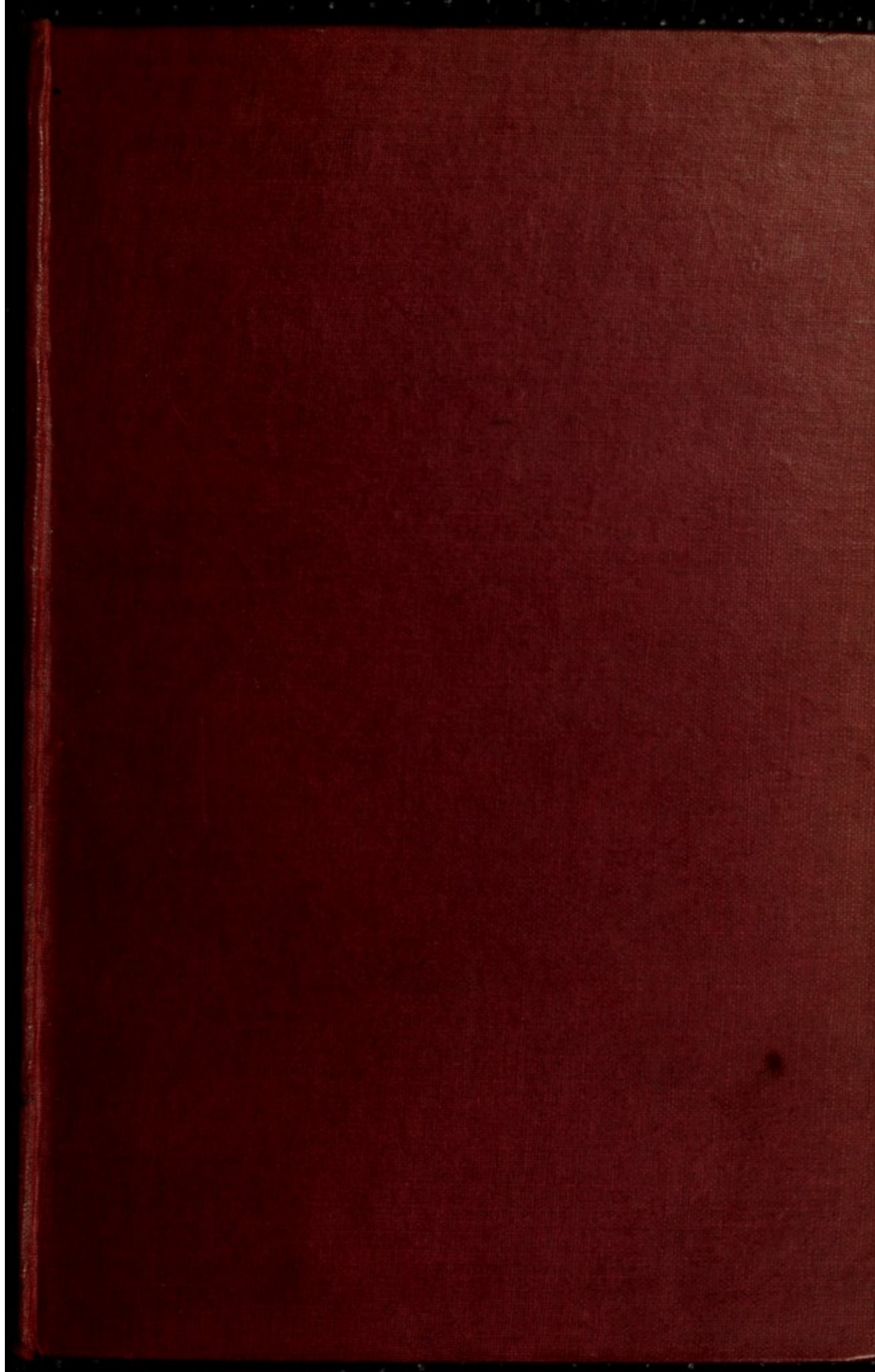
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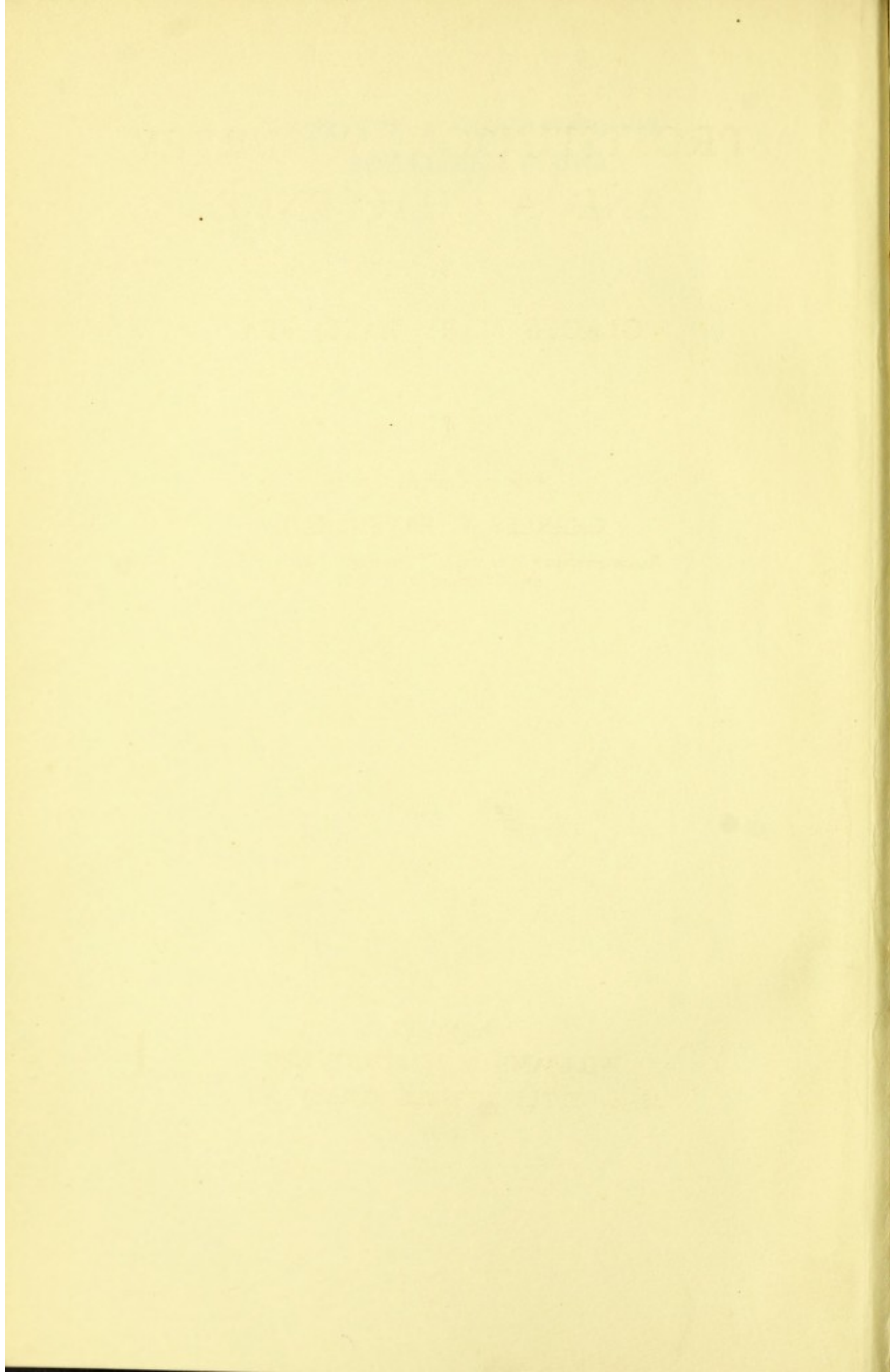
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PROSTITUTION: A SURVEY
AND A CHALLENGE

by

GLADYS MARY HALL, M.A.

With an Introduction by

CHARLES E. RAVEN, D.D.

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and Chaplain to the King*

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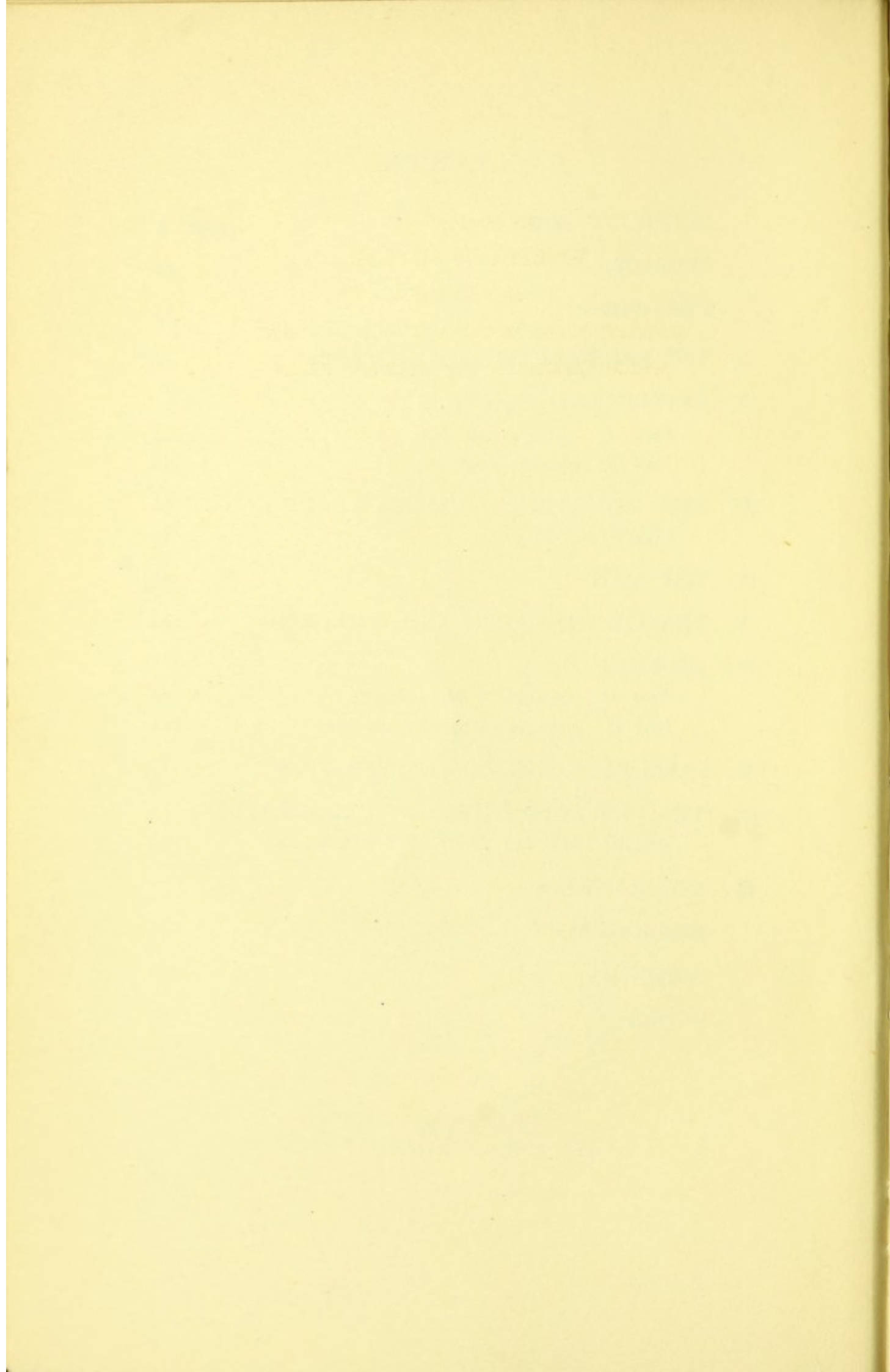
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TO
THE MEMORY OF
JOSEPHINE BUTLER
AND TO THE
ASSOCIATION FOR MORAL AND SOCIAL HYGIENE
WHICH CARRIES ON THE WORK SHE BEGAN

THE HISTORY OF THE
CITY OF BOSTON

FROM THE FIRST SETTLEMENT
TO THE PRESENT TIME

INTRODUCTION

To be invited to write a few lines of introduction for this book is an honour: to accept the invitation is, I fear, an impertinence. The task should have been entrusted to an expert sociologist who could appraise the work with full knowledge of its value. My chief claim can only be that I have been in close touch with its author during the years of research devoted to it and have learnt much from discussion of many aspects of the problems with which it deals. Apart from this I can speak only for those who without special study of the subject realize its importance, its difficulty, and the special need for an accurate examination of the facts at the present critical time. It may perhaps be that, in commending to the general reader a book necessarily technical and dealing with an evil to which, despite our boasted frankness, many of us still turn a blind eye, a layman's word will not be out of place.

That the book is opportune and badly needed few will deny. Of the many and far-reaching changes of the past half-century none is ultimately so important or so revolutionary as that which involves the status of women. Compared with the more spectacular developments of our time its progress has been largely ignored; and its results lie still in the future. We are becoming conscious that it has profoundly affected the most intimate and long-established of our conventions, and necessitates a new relationship between men and women. Some of us are shocked into reactionary denunciations; some excited into extravagant demands; the majority muddle along in bewilderment. Between the old bogies of Victorian prudery and the new bogies of sexual promiscuity it is not easy to see and think clearly.

If we are to forecast and control the future of the race, accu-

rate knowledge is the first essential. For such knowledge the fact of prostitution cannot be neglected—though both the opponents and the champions of the “new morality” pay little attention to it. Most of us are vaguely aware that the new conditions are altering the extent and character of the evil; that many factors, the economic independence of women, the freedom of association between the sexes, the knowledge of contraceptives, and the breakdown of taboos, tend to replace the professional by the amateur, and to substitute temporary liaisons for cash transactions. But we have not been able to substantiate our beliefs; and too often they have been only theories or wish-fulfillments. This book is valuable because it supplies evidence based upon intimate and confidential knowledge—evidence the source of which cannot, on that account, always be quoted—sufficient to prove clearly that such a change is taking place and to indicate its scope and significance.

Yet the book's value does not depend solely upon its collection of evidence. The author has preserved throughout a scientific and objective attitude, has scrutinized and marshalled the data with discrimination, and has shown that they open up many lines of enquiry and raise questions of the highest importance. She has the advantage of combining to an unusual degree practical experience in dealing with actual cases, sensitive insight into the psychology of prostitution, cool judgment in estimating evidence, and wide research into the whole subject. The final chapter, which is both a summary of the results of her study and a sketch of the broad issues suggested by it, is admirably fitted to guide and stimulate thought. It is indeed “a survey and a challenge.”

CHARLES E. RAVEN

CAMBRIDGE

P R E F A C E

A FEW words are perhaps needed in explanation of the reason for writing this book.

Inability to accept conventional views on prostitution brought with it, inevitably, the wish to study the subject with an open mind. The results of this study are here stated as briefly as possible, and are offered in the belief that the wish which promoted the research exists in the minds of many.

I have stated in Chapter I the reasons which preclude all but the most vague reference to the large number of those whose valuable help has made possible the writing of this book. Without their help, that part of it which relates to present conditions could not have been written, and this frank admission must be, for them, the thanks which I am debarred from expressing more exactly. There remain, in addition, two or three to whom my thanks may here be publicly expressed.

The substance of the book, excluding certain additions subsequently made, was written as a thesis for the University of Liverpool, under the direction of Professor A. M. Carr-Saunders, whose valuable criticism I here acknowledge with thanks. To Professor Cyril Burt, of the University of London, I owe warm thanks for most generous and kindly help and advice. I have also to record my sincere thanks to Dr. Crichton-Miller for friendly interest and encouragement, and for advice and help; to Mr. Thompson, Registrar of Colonial Laws in the Colonial Office, for much kind and valuable help in the Library of the Colonial Office, and to Mr. Riches, Librarian at the Royal Courts of Justice, for granting me access to the Bar Library.

I have left to the last the names of two personal friends, whose help, given unstintingly, my thanks can only feebly

and inadequately requite: Professor Charles E. Raven of Cambridge, for his Introduction to the book and for much inspiration and personal help and discussion; and Miss F. B. Bowly, for untiring help with irksome and difficult tasks of checking and correcting, rendered particularly laborious by the constant use of two foreign languages in certain portions of the book, and for invaluable help with the Index.

G. M. HALL

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FOREWORD

THE following method of presenting the subject has been adopted:

In Chapter I the problem of prostitution is introduced, with brief references to its antiquity and to its persistence. Several definitions are given which have been applied to prostitution by established authorities, and it is suggested that a study of present-day prostitution will be incomplete without the inclusion of the present-day tendency to promiscuous relationships. It is explained that the latter appears to be in some degree a substitute for the former, and that intermediate stages make it difficult to distinguish with certainty any dividing line. The definition of prostitution for the purposes of this book is therefore suggested to include paid and unpaid forms of sex promiscuity, and the vagueness and secrecy of the subject are briefly described. Sources of information are indicated so far as stipulations accompanying the information make it possible to give them.

In Chapter II the practice and present extent of prostitution are studied. The ages of those who practise both forms of promiscuity are discussed. It is shown that no class is unrepresented among those who practise both forms. The chapter is divided into two parts, the second part dealing with the present position in certain countries. (These countries have been chosen as representing modern conditions. A few only could be dealt with in a book of this size.) Evidence is produced regarding the prevalence of both forms of promiscuity in different countries, and the main features in the practice of prostitution discussed. As fuller detail regarding these special features was obtainable from Great Britain than from any other country, they are dealt with immediately after the statement

regarding the present position of prostitution in Great Britain. Where evidence relating to any of these details has been received from a country it will be found recorded under the separate heading of that country. Where no reference is made to any of these main features it does not necessarily imply their non-existence in that country, but it will mean that no evidence has been forthcoming on that particular point. The cosmopolitan character, and the tendency to similarity of method in the practice of prostitution, makes it possible to believe that the accounts of some of the features applying to Great Britain are fairly generally applicable.

Chapters III and IV deal with the two partners in a promiscuous relationship. In Chapter III the causes are discussed which appear to be those chiefly conducing to both or either forms of promiscuity on the part of women. The male partner is discussed in Chapter IV, with an examination of the causes which, on analysis of the traditional male demand, appear to be the elements of which it is composed. From this study of the present position of prostitution within different countries, and of the chief characters in the prostitution partnership, we come naturally to the international aspect, and in Chapter V the subject of traffic in women and children, as exposed by the League of Nations enquiry, is dealt with briefly, the main features of the traffic being given in outline.

Having now treated the problem of promiscuity in its place as an established custom, it seems essential to study the social results of the custom, and in Chapter VI are discussed what appear to be the inevitable sequelæ to promiscuous habits. These sequelæ, with their physical and economic effects, are discussed with the aid of expert evidence. So important are they that it appears likely that the need for promiscuity can only be claimed on the ground that equally serious effects are produced by sexual abstinence. Expert opinions on the sub-

ject of the physical and mental results of sexual abstinence are therefore examined. In quoting these views, it is freely admitted that opinions relating to sexual needs and experiences are particularly liable to be coloured by the dispositions of those expressing them. It may be pointed out, however, that the opinions quoted in Chapter VI are the outcome of wide experience among a large number of individuals with varying needs.

Chapters VII and VIII bring us to a study of the laws relating to prostitution, and to an examination of their effectiveness.

In Chapter IX the significance of the present trend towards promiscuity is discussed, and some examination is made of the point of view of exponents of "the new morality." The new attitude of women towards sex and its probable effects on marriage are examined. The relation of the sex instinct to social progress is studied, and some conclusions are drawn with regard to the possible future developments from the present social attitude towards the value of sex.

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PROSTITUTION: A SURVEY AND A CHALLENGE

CHAPTER I

THE PROBLEM OF PROSTITUTION

THE existence of prostitution is so well known and so commonplace that it might well be expected to attract little attention, except among those immediately aware of certain aspects, or of consequences and their treatment. The subject is, in fact, frequently dismissed with the explanation "It always has been and it always will be the necessary accompaniment of civilized life." The description "The oldest profession in the world" explains in part this almost fatalistic acceptance by a certain number of people; for this age-long persistence and universality produces an impression of inevitability and gives to the custom almost the appearance of a natural provision for normal needs.

But, throughout history, the existence of prostitution has produced repeated waves of uneasiness quite inconsistent with its complete acceptance as a social necessity. To study the history of prostitution itself is to discover that the custom has been continually assailed by attempts at repression, and the prostitute herself the object of variable and inconsistent social treatment. She has been offered as a luxury to visiting potentates, treated as a criminal, subjected to extremities of severity, or accorded a sort of semi-recognition. But under whatever conditions, she has survived.

Three facts account for the profound social disturbance which has constantly centred about the existence of prostitution. They may be stated briefly, though such statement only suggests, without expressing, the far-reaching significance of the facts. Briefly then, the facts are that prostitution has implied and necessitated the setting apart of a whole section of humanity for this purpose under circumstances tending to degradation;

that the voluptuousness and excessive self-indulgence to which it appeared to lead have been so socially demoralizing as to awaken periodic anxiety in national and civic leaders; and that it has carried with it its own disease problem (though recognition of the latter, and especially of its gravity, is of comparatively recent growth).

The circumstances which have arisen from these main facts have impelled numbers of writers to study the prostitution problem, and for the purpose, to define what they considered the central facts of prostitution. They have found it extraordinarily elusive and difficult. "Il faut selon nous renoncer à une telle définition de la prostitution. Elle est impossible car les faits qu'elle devrait embrasser sont trop complexes."¹ A few of these definitions are appended:

Havelock Ellis:

"A prostitute is a person who makes it a profession to gratify the lust of various persons of the opposite sex or of the same sex."

M. Maurice Veillard:

"La prostitution est la spécialisation totale ou partielle de certaines femmes dans la satisfaction de l'instinct sexual masculine."

Dr. A. Flexner:

"Any person is a prostitute who habitually or intermittently has sex relations more or less promiscuously for money or other mercenary consideration."

(Note.—"Gifts or pleasures may be the equivalent inducement."—A. Flexner.)

Professor Bridal:

"La prostitution consiste dans le double fait de la femme qui se livre à tout venant, et l'homme qui la paie pour l'avoir. C'est un acte bilatéral, espèce de louage, où la femme joue le rôle de propriétaire-preneur ou de locataire."

¹ M. Veillard, *La Prostitution*, p. 2.

Stone's *Justices' Manual* :

Note.—Rex *v.* de Munck (1918), 1 K.B. 635, 82 J.P. 160.

"Prostitution means the offering for reward by a female of her body commonly for purposes of general lewdness. It is not necessary to prove that the offer was for the purpose of natural sexual connection."

With one exception the foregoing definitions all include some reference to the commercial aspect of prostitution, and questions put to the ordinary public (i.e. those not specially engaged in study or work connected with this problem) have elicited the fact that prostitution is popularly regarded as a commercial act. But prostitution is primarily a sex problem, and the commercial aspect does not appear to be inevitable. Those who have studied the subject have already pointed out the existence not only of the part-time prostitute but of the "amateurs," the women who were ready to have promiscuous relations for gifts or pleasures, or even for no external reward. In Sanger's *History of Prostitution* he notes their presence in early days, with a comment on the habits of Spartan women of the upper classes whereby "prostitutes by profession were unnecessary in Sparta, at all events, until a late period in its history." But within recent years there has developed a form of behaviour which is not necessarily comparable in all respects with earlier forms of unpaid sex promiscuity, and which seems to be the production, or the accompaniment, of two quite opposite modes of thought, the one strongly stressing, the other minimizing the importance of what is commonly described as "sex experience." In practice, both have an effect on the prostitution situation, as I shall try to explain, and in a later chapter give evidence to prove.

The prostitution problem has in fact undergone, in almost all parts of the world, a profound change within recent years. This change is attributable to the effects of the Great War, some of the effects having come by a more circuitous route than is always recognized. The Great War meant a severe reduction in man life, and a surplus of women for a period. It hastened the emancipation of women and altered their status,

even in countries where political enfranchisement was not the sequel to women's war-time effort. It brought economic need to many countries, which is still continuing. It brought post-war unemployment after a period of intense activity, with consequent wastage of superfluous energies. The Great War was also the precipitating cause of a general breakdown of accepted beliefs and tenets. It was the cause of immense strain and stress, both mental and physical, which, temporarily affecting behaviour, started certain habits of thought and conduct as a result. Many artificial barriers erected by social tradition were swept aside as mere impeding formalities—which some of them undoubtedly were. And in the train of the sweeping movement followed claims for personal freedom of action, almost feverish in their intensity, and a questioning of many sanctions and of most social values.

Coincident with this social ferment was the newly awakened interest in psychology, and the discovery by the public of the idea of "sex repression" and its results. An immense army of amateur self- and hetero-analysts developed with amazing rapidity. "Lads and lasses scarcely out of the nursery babbled of neuroses and repressions."¹ Life progresses by trial and experiment, and here was tremendous experiment, which the ever-watchful, ever-ready spirit of commerce was immediately prepared to render less "risky" than it might be expected to be. Sex assumed a new and individual importance, particularly for women, whose accepted rôle of sexual submission to masculine needs appeared to be changing to one of challenging demand for the recognition of their own, demonstrated by many in a claim for, or a readiness to experience, sex adventures.

Clearly, commercialized prostitution of the older type must be affected by these social developments, for the simple straightforward object of these newer relationships, as of prostitution, is the use of the sex instinct for obtaining immediate personal gratification for one partner or both. Nor is it necessarily physical gratification which is sought. Many of the advocates of complete freedom in this field of human behaviour claim

¹ Canon C. E. Raven, D.D., *The Creator Spirit*, p. 327.

that intellectual satisfaction and inspiration are the object and the achievement. It is among these, though by no means only among these, that the importance of "sex experience" is strongly emphasized. Where the importance is minimized there may exist merely a readiness, or at least little reluctance to be the partner in the experience.¹

It seems abundantly evident that to omit to include, in a study of present-day prostitution, the non-commercial form of promiscuous sex relationships, would be to falsify all conclusions which might be drawn; for not only will it appear that the non-commercial may be substituted for the commercial but it is, in addition, difficult to know where the commercial form begins. This study, therefore, includes "promiscuous sex relations paid or unpaid" as part of the prostitution problem of to-day,² the main emphasis being laid upon the fact of promiscuity. Care will be taken to make it clear whether reference is being made to the commercial or non-commercial forms where it is possible to do so.

Study of the prostitution problem has been rendered even more complicated than it actually is by the mass of preconceived opinions and prejudices which have become established in the public mind. Moreover, although it is true that the social "conspiracy of silence" has been broken, the whole system of prostitution is accompanied and veiled by secrecy and has been viewed by the many with curiosity, excitement, or repugnance, and only by the few with the unemotional detachedness of mind which its study demands. It has seemed essential to draw attention to the vagueness and uncertainty which make a survey of prostitution difficult, and these difficulties will

¹ It seems necessary here carefully to distinguish between these relationships and the temporary unions advocated or practised as "trial marriages." Where the latter are concerned, although, as the name implies, a number of temporary unions may be possible, the ultimate object is a permanent union, whether finally achieved or not. It is not proposed to discuss trial marriage at this point, and reference is made to it here solely to draw attention to the essential difference in intention between "trial marriage" and promiscuous relationships which are deliberately impermanent.

² Since this decision was made, the Fen Ditton appeal case (*v. public Press*, December 1930) made such inclusion essential. (*v. p. 125.*)

therefore be clearly defined in Chapter II. But although it is difficult, it is not impossible. At the side of the investigator stand the army of field workers, with their years of experience of all aspects under many conditions. They must possess—and do possess—definite opinions. Many of these opinions coincide in many particulars; some do not. But taken together they form a sound basis, starting from which, a survey must approximate closely, at least, to fact. It is unfortunately impossible to do more than indicate the value of the information received from those whom I have termed the “field workers.” Almost all information was given on the understanding that its source must not be disclosed, and although permission to give the source was granted in some cases it was thought wisest to refrain from giving any names where all could not be given. The value of the information received may, however, be judged from the qualifications of those from whom it came. These were as follows:—Chief Constables and other police officials, including women police and women patrols; social workers connected with all aspects of preventive and rescue work; psychologists; medical men and women (including mental and V.D. specialists); health visitors; prison officials; magistrates, police court missionaries, and probation officers; officials of certain V.D. hospitals; the authors of specialist books and papers. Of the foregoing it is permissible only to say that each was widely experienced in his or her own field and many were deeply interested in broad aspects of the problem. In addition to consultation with such authorities, experience has been gained from street patrolling, from personal acquaintance with prostitutes, from “case work” involving the study of past histories. Certain associations specializing in or having departments devoted to legal aspects of the problem have been consulted. Certain associations have given invaluable help and the officials connected with them have made it possible for sources to be tapped far beyond the range of a private individual. Such officials are not mentioned by name, however, nor are any officials or associations to be regarded as being responsible for any part of this book. The following are among

those societies and associations which have given help of the nature indicated:—The British Social Hygiene Council; The Association for Moral and Social Hygiene; The American Social Hygiene Association; The National Vigilance Association; The Racial Hygiene Association of New South Wales; The Eugenics Society; The Salvation Army; La Fédération Abolitionniste Internationale; The Jewish Association for the Protection of Women and Girls; Le Conseil National des Femmes Françaises; Die Deutsche Gesellschaft zur Bekämpfung der Geschlechtskrankheiten, and others whose names are not given, either because the officials made this stipulation or because certain information might appear to be too closely identified with a particular society or official. It will be readily understood that it is impossible, without betraying confidence, to give further information regarding the reliability of the evidence produced in this book or of the experts whose aid has been sought.

CHAPTER II

EXTENT AND PRACTICE

PART I. CLASSES AND AGES

IN discussing class in relation to prostitution we may refer to it under two heads: namely, the social class from which the prostitution life is entered, and the status or class which the individual prostitute occupies or reaches within her profession.

To take the former first; there is no social class in which prostitution for gain is unknown. This is a statement which many will refute, and concerning which, for obvious reasons, no documentary evidence may be cited. It is a statement, however, which I make only after very careful and prolonged enquiry, and on first-hand evidence of individuals who are or have been in direct contact with the fact stated. Writing in 1913 on the subject of the "classes" from which prostitutes were drawn Dr. Flexner said, "Very rarely indeed a person of some education, social standing, and personal charm is met with." A Parisian woman to whom this description is fairly applicable was asked as to the possibility of finding others like herself. " 'I am one in a million,' she proudly—and truthfully—declared" (*Prostitution in Europe*, p. 67). Since Dr. Flexner wrote this, the Great War has occurred, bringing with it the immense upheavals in thought and habit which have been universally recognized; and it is perhaps easier to realize the existence of commercial prostitution in all social strata if it is remembered that even in 1913 it could be found, however rarely, by so great a student of the subject as Dr. Flexner. Having made the above definite statement regarding present-day commercial prostitution, it is possible to add the qualification that its occurrence, so far as I can ascertain, is rare in the higher social strata as compared with the incidence in certain grades of the lower. This may be shown to be perfectly natural when we come to study the causes which appear to lead to

the adoption of prostitution. Of the existence of unpaid promiscuity in all social classes it is less difficult to write, as it is less difficult to believe; chiefly, perhaps, because its non-commercial character makes those who practise it more ready, or at least not unwilling, to proclaim it. In the second half of this chapter evidence will be given regarding the present position of amateur prostitution and promiscuity, and its relation to the professional form. My immediate purpose here is to indicate that no social class is unrepresented among those who practise promiscuity.

At the beginning of this chapter reference was made to the class or status of prostitutes within their profession. The authors of *Downward Paths* describe what might be termed a member of the aristocracy of the so-called "Underworld" as follows:

"The woman with a flat and a regular clientèle makes her appointments by post or telephone and does not cheapen herself by appearing in the streets or public places to seek custom. . . . She has her own social circle, into which a stranger cannot break uninvited."¹

But even among those who seek customers in public there are grades and distinctions beyond the visible marks of poverty or prosperity, and which turn chiefly on a certain successfulness—the following of a definite line of custom (e.g. one exceedingly pretty girl in Liverpool told me she only "took Americans"). Some will refuse the advances of a very drunk man where others would regard him as easy prey. One exceedingly clever and prosperous prostitute was described to me by another and poorer member of her profession as "Very kind. She'll speak to anybody," meaning that A.L. would not be too haughty to chat with even a shabby and poor colleague such as herself. It is well known by all workers among prostitutes that many of them would utterly refuse demands made by customers which would be fulfilled by others. And police, prostitutes, and all the initiated join in looking down on what are described as "prostitutes' robbers," i.e. the women who, having obtained

¹ *Downward Paths*, p. 9.

all they can, evade carrying out their side of what the straightforward prostitute regards as a business contract.

The use of sex for payment may occur at a very early age. I have evidence of its practice in England for pennies or small sums by children of seven, and Dr. Burt observed "some of the youngest on my lists have become habitual little courtesans for the sake of sweets or for the money with which to buy them."¹ References to the youthfulness of the age at which prostitution is started will be found in the evidence from Australia. The following examples may be given from France and Germany: "La prostitution des mineures notamment est considerablement accrue depuis quelques années." "Eine besondere Gefahr bilden die jugendlichen Prostituierten, es gibt solche vom 14 Jahr an." Among the serious results of these early sex experiences are the numbers of child mothers. One "Home" in England reports in 1930 having had seven unmarried mothers under sixteen years of age in the Home at once, and added that the age at which girls entered the Home on account of pregnancy was "getting lower and lower." Another Home reported having 27 girls under sixteen either pregnant or suffering from V.D. during the first six months of 1927. From America a report is quoted, being the result of a Salvation Army survey among their institutions, published in 1926: "I myself have been amazed, during the survey just completed, to realize the great percentage during the last two years who have been school-girls. I have known for some time that the number was increasing, but not until the completion of this survey did I realize that it had reached the appalling figure of 42 per cent. of our entire work in these institutions. The average age of these girls is sixteen years. Any intelligent observer will see instantly what this means. To have an average of sixteen means that we must have an astounding number of girls who are becoming mothers between the ages of eleven and fourteen. . . . In hundreds of cases we have found that girls either on the way to school or on their way home from school have been 'picked up' by men in automobiles and induced to

¹ Professor C. Burt, *Causes of Sex Delinquency in Girls*, p. 14.

go out 'on parties.'"¹ In addition to the attraction of youthful good looks, or of precocity on the part of the girl, there exists for certain men a special attractiveness in youth and inexperience. Whether it is in part due to some relic of the idea which promoted the custom of the *jus primae noctis*, or to the hope of security from infection or whatever the reason may be, it is exceedingly important to recognize this fact and its possible share in the promotion of early prostitution. Undoubtedly it is an important element in the traffic in very young girls for the supply of licensed houses. Professor Delbanco refers to "die ganz jugendlichen Mädchen, die schon durch ihre Jugend als die begehrtesten in der Gross-stadt so leicht in die Prostitution heruntergleiten."² M. Pourésy refers to their value in licensed houses: "Il est interdit de recevoir dans les maisons de tolérance et de mettre en carte des femmes mineures. Mais quand une bonne affaire se présente, quand on peut faire entrer en fraude une jeune mineure, les visiteurs viennent nombreux et les prix montent immédiatement. Cette nouvelle pensionnaire assure donc des recettes énormes."³ Special note was made of this fact by the League of Nations Report on Traffic in Women: "We were concerned to find so many young girls among the victims of the traffic. The needs for special precautions in this direction are obvious because the increased profit thereby obtained is a direct incentive to all sorts of fraud and deception."⁴

Simple promiscuity often occurs even earlier than the first beginnings of commercial prostitution; for although in the case of seduction a child's introduction to commercial possibilities may coincide with her first sex experience, it probably takes some little time to discover that payment may be extracted. School teachers and health visitors are among those who tell of the prevalence of early attempts at promiscuity, not only

¹ Colonel Margaret Bovill, in Report of New York Salvation Army Headquarters, quoted by Boris Brasol (*The Elements of Crime*).

² Professor Delbanco, *Vor der Entscheidung*, p. 52.

³ E. Pourésy, *De l'Amour au Mariage*, p. 107.

⁴ League of Nations Report on Traffic in Women and Children, Part One, p. 47.

when, playing at "fathers and mothers," the young denizens of overcrowded bedrooms seek to reproduce all that comes to their knowledge, but when actual sexual precocity, having neither guidance nor outlet in other directions, manifests itself in only one way.

At the other end of the age scale are the elderly and even aged women, who, having long ago (often prematurely) lost all personal attractiveness, offer themselves for a few pence, and often late at night when their younger colleagues have hours earlier obtained customers. Their method is frequently the offer of small articles for sale, such as studs or laces, etc., under cover of which they offer sales of a different nature. They may also be found furtively lingering near dark entries for no ostensible purpose but the one which is recognized by any customer who wishes to purchase.

Between these extremes of age an "age curve" might be constructed, having its highest part somewhere between the ages of sixteen and twenty-four. This "curve" is not unalterable, however, and the general opinion appears to be that the beginning of the highest part of the curve tends to occur at an earlier age than formerly.

PART II. PRESENT POSITION

The prelude to any attempt at any time to write on existing conditions in relation to the subject of prostitution must necessarily be a statement explaining the limitations set to the writer's power of obtaining a clear outline of the problem. Of modern prostitution Dr. Flexner wrote: "It is not only huge but vague."¹ And in saying this he referred particularly to the impossibility of discriminating between professional prostitutes, half-time prostitutes, and amateurs. If to his comment we add the fact, which evidence shows, of the great increase in the number of amateur promiscuous women and girls, it will be recognized that the difficulties of a present-day writer on the subject have been increased many times.

¹ Dr. A. Flexner, *Prostitution in Europe*, p. 5.

So far as actual appearance goes, even the whole-time professional prostitute is not necessarily either notorious or obvious; only those who, like herself, are about the streets nightly and daily, can fairly recognize her occupation. The "painted ladies" of earlier days are no longer distinguished from their fellows by their exclusive use of this outward adornment; and although certain streets may be haunted by groups whose object is patent, the really well-dressed, well-appointed prostitute, passing quietly along the thoroughfare, may be completely indistinguishable except to the initiated.

When we come to the question of facts in relation to numbers, the outline is similarly vague, for there are no figures possible except those relating to (*a*) inscribed women in countries where regulation obtains and (*b*) women convicted for soliciting prostitution. With regard to the first, it is a well-known fact that the inscribed women form a proportion only—and that not the largest—of the number of whole-time prostitutes in towns where inscription is in force, and to this body of unrecorded prostitutes must be added the large volume of clandestine, part-time, and amateur women. Where the numbers obtainable are with reference to convicted women it is essential to recognize (1) that large numbers of prostitutes are clever enough to avoid incurring arrest, and (2) that the number of convictions in any town tends to fluctuate according to the views of individual magistrates, or in response to variations in public opinion in regard to the application of the laws relating to solicitation, or prostitution. And finally the fluctuating character of the prostitute population in any town completes the impossibility of more than temporary estimates of the numbers of even "known" women. For various reasons, which will be dealt with below under "Migration," there has always been an ebb and flow in numbers, an interchange of the same individual between city and city, causing unexpected disappearances and reappearances.

GREAT BRITAIN

The outstanding feature of present-day prostitution in Great Britain is the reduction in the number of professional prostitutes and the increase in the number of amateurs. There is undoubtedly a reduced male demand for the services of professional prostitutes, which may in part be due (though I have no proof) to decreased drunkenness and to the gradually extending range of interests and of recreational possibilities. But the chief explanation of the decreased demand for professional prostitutes is the intrusion into the prostitute's sphere of the amateur, or, as the professional describes her, "the straight girl." In other words, a man may, at the present time, have opportunities for promiscuous sex relations with girls from among his own social group whom he knows, or whose acquaintance he may readily make; and there are methods whereby, in the course of conversation, this fact is conveyed to him. Although he usually pays for his satisfaction, the payment takes the form of a gift, or a dinner, or a motor run; the episode appears less commercial and suggests more of passion and spontaneity than a similar episode with a professional prostitute, and for this reason is usually infinitely more attractive. In addition, as has been indicated in the first chapter, there may be no payment whatever, and the whole episode may be mutually desired and mutually satisfactory. This readiness for sexual experience is, very constantly, regarded as the natural corollary to any degree of affection, or even of friendship, between opposite sexes. "I can quite understand," said a young and happily married woman to me, "feeling that I hadn't got everything possible out of friendship with a man unless we had had that experience." "That's what walking out *means*," said a Derbyshire village youth to a friend of mine. "I hadn't walked out with her *properly* more than once," was the remark of a town youth to a woman patrol, going on to explain that by "walking out properly" he meant having sex intercourse during the walk. "Among the educated, the idea of sex relations outside marriage is accepted and very

largely practised," a Harley Street specialist told me, when discussing the subject.

It is undesirable to stress unduly the novelty of this attitude; as indicated earlier, amateur promiscuity has been recognized since ancient days. Nor is it sought to produce the impression that amateur promiscuity is so universal that professional prostitution is being entirely supplanted.

But the facts are that there is definite acceptance, by a growing number of people extending through all social strata, of the idea, and of the desirability, of complete freedom in extra-marital intercourse; and that there is a decrease in professional prostitution apparent to those in touch with it, and deplored by the professional prostitutes, for which the increased amateur practice is largely responsible.

Some evidence of this present-day aspect of prostitution is given below:

"There is nothing like the amount of commercial prostitution nowadays as there was a few years ago, and this is no doubt brought about by the increased amount of promiscuous immorality among the sexes."

"Professional prostitution in my judgment has diminished since the commencement of the war owing to laxer morals of other females."

"There is not much of what you describe as commercial promiscuity, but I believe there is a certain amount of immorality indulged in by some girls . . . who receive indirectly remuneration in the form of entertainment, presents, and week-ends away from home, etc., and who may belong to any class of the community."

"It is my experience that prostitution of the 'street walker' type is decreasing very considerably. It is felt that a knowledge of prevention methods encourages a great many young women to lead a loose life and have what is known as a good time, but whether this is done for the purpose of gain is doubtful."

"Promiscuity is much more general but professional prostitution less."

"A great amount of amateur and therefore fewer professionals."

"Fewer professionals, but laxity among girls is much greater. Their knowledge of contraceptives is greatly increased. Their talk is very bad."

"I believe an increasing number of girls will dispose of themselves for gifts and luxuries as distinguished from money payments. These girls are recruited from a higher social class than the old street prostitute. I should most certainly say that they are recruited from young girls."

"Professional prostitution is decreasing. . . . The great sale of advertised contraceptive rubber goods has increased promiscuous sex relations tremendously."

"I should say professional prostitution is decreasing . . . the joy-ride girl and the flapper who likes a week-end's 'pleasure' is much more attractive and easily obtained."

"There are few bona fide prostitutes here, but very many more amateurs than formerly."

"The main thing I noticed . . . in the London police courts was a drop in the number of girls arrested for soliciting prostitution in public places, and this was apparently due to a decrease in numbers and not to a decrease in police activity. The reason for the drop I cannot pretend to fathom . . . the general feeling among workers was that it was due to a general lowering of the moral standard."

"I think most certainly that professional prostitution is decreasing but amateurs of a comparatively young age increasing."

"Unpaid promiscuous sex relations are increasing, but conception more frequently avoided."

"In my opinion the professional prostitute is decreasing, but it is rather difficult to obtain facts to prove this. . . . With regard to promiscuous relations with or without gain, I think information is more difficult to obtain . . . on the whole I am of the opinion that promiscuous sex relations among the non-professional girl prostitutes are increasing. For men, I should say that the position is much the same as previously except that then it was a question of

a cash transaction and now payment largely consists of dances, dinners, clothing, etc., and is more often with a girl of their own social standing. These non-professional prostitutes are usually of a slightly higher social standing than the paid girl and in some cases are girls living at home and not engaged in any business or profession."

(a) METHOD

Like any other professional, the prostitute has her methods, which vary between one town and another, between types of towns, and between different neighbourhoods in any one town.

In the University towns of Oxford and Cambridge the power of the Vice-Chancellor makes it necessary for the prostitute to behave circumspectly. The presence of the proctors in addition to the police is a menace to noticeable behaviour. In the University town I know best, there are very few professional prostitutes, and these come into town for the term (all who are familiar with University towns are aware that trade activities of all sorts are at their highest during term time, so that this activity is not peculiar to the prostitute. It is merely a commercial symptom). "Picking up" (which is the familiar term for the impromptu acquaintanceship established by prostitutes and their clientèle or by the amateur girl) is done chiefly in cafés and cinemas; very often it is done by the male partner from a motor-car (see below) and for further developments it is the practice for the couple, or for two couples, to drive out into the country. Certain villages and certain inns on the outskirts of this particular University town are quite well-known resorts for the purpose. Within the City itself there is little which can be noticed by the police.

Between one commercial city or town and another, the prostitute's methods may differ to a quite extraordinary degree, as also between one city neighbourhood and another. For example, in certain streets in London may be seen the most open solicitation. Prostitutes singly or in couples stand here and there the whole length of a street, and no man, unless

obviously poor and impecunious, can possibly go through unsolicited. One may see first one and then another, sometimes two women at once, accost a man. One may also see the ubiquitous taxi creep slowly alongside the pavement towards the couple or group, in readiness for a fare if or when the man capitulates. Quite frequently, of course, the proposed customer dismisses the women and the taxi moves off.

On the other hand, in other streets in London, or, for example, in Liverpool, it is often quite impossible for even a close watcher to perceive definite overtures between the prostitute and her customer. By some subtle glance or expression the invitation is indicated by one or the other and the response signified. Expression does, I think, mean a very great deal to the street habitués. It is not definable, but those accustomed to street work come to recognize it and clearly it is recognizable by prostitutes and customers. One may see the most fleeting glance from a prostitute serve to arrest the attention of her desired customer though it may be of no longer duration than the casual glance of another woman. Similarly one cannot fail to recognize that there is some expression or expectancy about a man who is on the "look-out" for a partner, which is significant to the prostitute. To some extent one may explain this mutual recognition by reference to a mutual readiness and watchfulness; but there remains a subtle recognition and understanding between individuals which constantly baffles expert observers.

The method of the young amateur is usually more crude and obvious. It consists frequently of a noisy and demonstrative manner designed to attract attention; or a great deal of apparently engrossing talk punctuated by loud laughter, directed to the "intriguing" of the male whose approach is the signal for its commencement. This habit, though so simple, is so frequent, that I think it may be described as a method; for it is sufficiently stereotyped to be recognizable by, and a signal to, those whom it is desired to interest.

Of the accosting of women by men remarkably little has been written, though it was clearly stated during the hearing of evidence by the Street Offences Committee in 1928 that

prostitutes themselves are very frequently the accosted rather than the accosting parties. Verbal accosting of women by men in the streets is of quite frequent occurrence. One Chief Constable reports, for example: "I receive no complaints of solicitation by prostitutes, but I do receive complaints from respectable women who are accosted by men." I have evidence of methods adopted by men in cinema, art gallery, and café to gain the acquaintance of girls; but a very usual method, and one which has attracted attention, is the accosting done by men from private cars (*v. p.* 36).

(b) MIGRATION

Migration is a well-known feature of prostitution. It may be seasonal, occasional, or quite individual.

The seasonal migration of prostitutes is the very well-known form which consists in their arrival at certain places at periods when a large influx of visitors is normally expected, or where a large concourse of people is to be gathered for a short period in a mood of conviviality and readiness for external attractions. All forms of races are followed by prostitutes; horse racing, the University boat races, gatherings for sports which occur at special periods. And the seasonal increase of population at various resorts is accompanied by the entry of prostitutes, who profit by a period of residence.

Occasional migration occurs for special purposes, as when troopships or battleships arrive at certain ports, or when special exhibitions draw crowds to any area for a short time; and there is constant migration between one town and another, e.g. between Liverpool and Manchester, Liverpool and Glasgow, etc., and for the purpose of following a ship from one port to another. One informant remarks: "I am not sure if it is realized how mobile these professional prostitutes are. Some do remain always in one locality, while others move from Glasgow to Edinburgh, or Liverpool or even London frequently."

Individual migration is practised by single prostitutes for their individual purposes. "I know one woman who was on the streets here (*i.e.* a town in Scotland) who went to London

for several months each year as she got much better money there." It often occurs when a prostitute has arrangements with a particular customer, e.g. the member of a ship's crew, who makes arrangements with her beforehand that she shall be available at a certain port between certain dates. Many girls serve regular customers in this way. The practice tends to have certain drawbacks, as it leads to a sense of proprietorship on the part of the customer, which frequently results in jealousy and in violent handling of the girl.

(c) MODERN TRANSPORT

One of the noticeable facts about prostitution is the ease with which it adjusts itself to, and utilizes, altering circumstances and customs. The development of modern mechanical means of locomotion is a case in point, for there is no doubt at all about the part played by motor transport in the practice of promiscuity.

One of the most frequent uses to which private cars are put in this connection is the custom to which is given the descriptive title "Gutter-crawling," which is carried out in the following manner. A man will drive his car very slowly alongside the pavement, and by word, or gesture, invite girls to enter. I have frequently seen girls invited while standing waiting for tram or bus. Refusals, or a silent ignoring of the invitations, are usually only accepted after persistent extension of the invitation and by a suggestive and pointed wait in the car near to where the girl is standing. A girl who accepts may or may not know that there is usually one form of return to be made for the "joy ride" she has accepted. There are occasions when companionship is the only object, but most evidence shows that promiscuous intercourse is usually the ulterior motive and the sequel.

The private car and the taxi are used to some extent by professional as well as amateur prostitutes, with the result that in some towns there is an apparent decrease in street soliciting, the cause of which is fully realized by police and other observers. "From personal observation the officer reporting is satisfied

that arrangements are frequently made by the owners of private motor-cars to meet these unfortunate women in the quieter streets of the city."

"It is within my knowledge that taxis are used occasionally for immoral purposes, but as these go out into the country areas we cannot deal with them."

Some police evidence, however, definitely states that professional prostitutes do not make use of taxis or private cars in the towns from which they write. I have very reliable evidence from London that some prostitutes use taxis for the culminating act of prostitution, the driver being engaged to drive about for a certain period. In the evidence before the Street Offences Committee one Chief Constable stated that on 23 occasions plain-clothes officers had kept watch and witnessed 117 cases of solicitation from motor-cars. In 90 cases the invitations were unsuccessful, but in 27 cases the women entered the cars and in every case they were driven in the direction of the suburbs to country districts. "The witness said that was a new feature that had sprung up during the last nine or ten years." In May 1930 the Press contained a complaint regarding a country lane near a certain village which ran as follows: "This country lane has become known throughout the neighbourhood for the number of cars which stop in it at night. A woman who lives in one of the four cottages at the top of the lane told me that nearly every night dozens of cars pass her house. 'I think,' she said, 'that most of the young men come from Manchester. They pick up girls and run them out here. . . . We hear the sound of cars even until three and four o'clock in the morning. It is becoming a scandal.'" Another complaint, from Warwickshire, appeared in the Press in November 1929, and referred to "men who frequent our quieter roads on motor-cycles, or in motor-cars under cover of darkness," their objective being young girls.

Further quotations would be superfluous, as the habit is one which is fairly well known.

Another use to which motor transport is put is a custom known as "lorry-jumping," which signifies the method fre-

quently adopted by young girls when anxious to get from one town to another. What it actually amounts to is a free ride on a commercial lorry, which is begged by the girls, often from the roadside. Payment is sometimes offered or demanded in a sexual form. It must be recorded, however, that although the habit may be dangerous, these free rides are very frequently given to out-of-work girls by kind-hearted drivers and their "mates" for no payment of any kind whatsoever.

(d) THE RURAL ASPECT

It has been very commonly accepted that prostitution is an urban problem only, and almost all writing on the subject gives an urban background. It was described as "an urban problem" by so great an authority as Dr. Flexner in 1913, and the Chief Constable of an important city wrote to me in 1927 "I think it only exists in towns."

It is true that there is, in some rural parts, a well-recognized and deliberate custom of cohabitation before marriage as a form of old-age insurance, i.e. there is no marriage unless, by becoming pregnant, the girl proves her ability to provide children for the support of the couple in old age. It is true, too, that the scattered and thin nature of the population in rural areas brings into prominence the occurrence of illegitimate births, and that there is, curiously, a quite considerable tendency on the part of unthinking people to identify prostitution with the fact of pregnancy or motherhood outside marriage. But once this confusion of thought is excluded, the prevailing belief is that prostitution has no place in rural life.

At the present time, both paid and unpaid forms of promiscuity are quite strongly developed in at least some parts of rural Great Britain (my evidence touches a fairly extensive area, Kent, Cornwall, the Fen Country, Oxfordshire, Berkshire, the Lake District, the Highlands). One worker, indeed, of long and varied experience in town and country, said to me, "I say without hesitation that the country is far worse than the town as regards sexual morality."

The form taken by paid prostitution in rural areas is usually

the reception of men in her house by one woman, or by a woman and her daughter. Not only the men of her own village, but men from neighbouring villages will be clients. In the case of one village a tea-shop kept by an elderly spinster was available for the purpose until the fact was discovered. Three of my records are of public-houses where rooms are available for couples for prostitution purposes, and in one public-house a mother and daughter receive clients. Another witness from the South says "owing to the fact that rooms are not available, the vicious of both sexes use the hayricks and hedgerows," and from the Midlands "sometimes it takes place during walks for 3d. or 4d."

Another form of rural prostitution of which I have evidence is the exploitation of village girls by a woman of their village, who will take a girl into the neighbouring town for prostitution purposes. It is understood by my informant that the women receive the payments from the girls' customers, or are in some way paid for producing the girls. I have this evidence in the case of two villages only. This is understandable, considering the danger of arrest for procuration.

Soliciting is naturally not much practised in country places. There is little chance of obtaining customers on lonely roads, and the village males tend to gather in groups at some favourite corner too public for soliciting purposes. But outside one village which is on a main route between two big towns, there is soliciting on the high road.

The existence of amateur promiscuity is reported from numerous villages. To a large extent it is thought to be due to the ease with which contraceptives may be obtained. In one village of my acquaintance a barber sells contraceptives to either sex. Girls have been seen handing their purchases to each other on emerging. One boy "ran up" an account and was threatened with exposure if it was not paid. In another village the Vicar stopped the village dances on account of the practice made by men and girls of indulging in sex relations outside the dance room during the evening. The discovery of contraceptive appliances on the ground outside the dance room led

to the suppression of the dances. I have similar record from another village source, of the custom of indulging in sex relations between dances.

Of the number of villages referred to by witnesses, only 18 were mentioned as units or by name, the remainder of the rural evidence being referred to by county, and covering an unspecified number of villages. Four villages definitely stated that no promiscuity was known to occur. One of these four statements was accompanied by the remark, "All the various associations for the young is (*sic*) a great asset." Another (from North Wales) adds the comment, "The general standard of sexual morals is improving with better manners and better education."

(e) COMMERCE

The sex urge is constantly, and, so far as one aspect is concerned, correctly described as an appetite. In general, "appetite" is associated in the public mind with the physical need for food and drink, and it follows therefore that the satisfaction of the sex appetite becomes comparable with the fundamentally necessary satisfaction of hunger and thirst. This conception is the immediate background for the commercializing of prostitution; it appears to be its justification and is certainly its incentive.

The simple transaction between two persons, which is involved in the individual demand for and supply of paid sex relations, has been developed by third-party interest into a vast commercial system with its concomitants of agents, advertisement, and associated trades. In its simplest form it exists as a "one-man business" controlled by the "pimp," that is to say the man who lives on the earnings of a woman who is promiscuous for gain. This man may be literally the "bully" which is another of his titles; he may have forced her into the mode of life and be compelling her continuance in it. But he may also be, whether her legal husband or not, the equivalent of a husband to the promiscuous woman; he is frequently the only person in the world towards whom she feels affection and

sense of possession; he is usually her champion in disputes and her protector in a skirmish. He is deeply despised by the police and by the public outside his trade; but he may be nevertheless the one humanizing element in the life of the woman on whom he lives.

The most extensive commercial development of prostitution—the international traffic in women and children—was studied and made notorious by the League of Nations special committee and experts' reports (*v. infra*, Chap. V). Organization so vast and so elaborate implies on the face of it a demand of immense proportions; but it is important to recognize the efforts made to promote and stimulate this demand by third-party purveyors of sex gratification. It is clear that a trade founded on the awakening and satisfaction of an appetite must employ a variety of methods of appeal or stimulant in order to meet individual idiosyncrasy and to excite the constant demand on which its prosperity depends; and the merchants in this trade display great versatility and forethought in achieving this end. "A very large constituent in what has been called the irresistible demand of natural instinct is nothing but suggestion and stimulation associated with alcohol, late hours, and sensuous amusements"¹ Associated with the organized trade of prostitution are the sale of alcoholic drink on premises frequented by prostitutes, the provision of entertainment devised so that sexual excitement may be promoted, the sale of contraceptive and excitant drugs, and the sale of pornographic literature and photographs, etc. When we come to the subject of pornography we are on difficult ground, for it is undeniable that pornography, like the conception of beauty, may be in the mind of the beholder—or of the purveyor—rather than in the subject of display. Classical literature, medical and scientific books, reproductions of beautiful representations of the human form may, according to the circumstances and situation of their exhibition or purchase, become suggestive and sexually exciting. But the exposure and sale of even classical or scientific literature in association with the sale of drugs and appliances of a special nature, and in a shop

¹ Dr. A. Flexner, *Prostitution in Europe*, p. 41.

in which literature would not normally be found, is reasonably clear proof of the object of their sale; and this class of vendor may justifiably be included among the purveyors of pornography. Concerning the association of pornography and prostitution, I quote here from *No. 1 Report of the League of Nations Committee on Traffic in Women and Children*. "The distribution of obscene pictures sometimes represents a 'side line' of business for souteneurs. Agents sell these pictures in the streets of many large cities and often combine this business with acting as guides to resorts of prostitution and to shows in which every form of sexual depravity is exhibited. . . . At 619-X, the souteneur, 102-P, said: 'I can show you a list of people that I have posted pictures to . . . you know here in Berlin every prostitute buys them too. When they get customers they show them and it helps them with hard eggs. English and American tourists fall for that stuff and the girls get quite a good price.'"¹ In addition to the profit made from the sale of these photographs there is money to be earned by posing. "N. posed for nude photographs until the police put a stop to it by raiding the house several times."² International action, under the auspices of the League of Nations, is now being directed towards the suppression of "the circulation of a traffic in obscene publications" and is rendering this form of commerce more risky for the traffickers.

In Great Britain contraceptives, excitant drugs and literature are frequently offered for sale in the same shop. Rubber shops (which also offer rubber goods such as elastic bandages, etc.) will sell all three. Newspaper shops in some districts, barbers' shops, garages, street hawkers are among the known vendors of contraceptives.

The association of drug-taking, and of the sale of such drugs, with prostitution is suspected, and reported, but no reliable evidence exists and no statements are possible. A German correspondent referred to it when writing to me, and there was a reference from Australia. But at present there is no basis for more than inference or suspicion.

¹ C.T.F.E.55, C.52. M.52. pp. 17, 18.

² *Downward Paths*, p. 101.

(f) ASSOCIATION WITH CRIME

It is well recognized by students of criminology that "some offences are punished because they are bad in themselves and others are bad only because they are prohibited by law."¹ It is to be understood that the word "crime" is being used here broadly to cover "violations of law."

In one sense the prostitute is constantly associated with crime; whenever she oversteps certain boundaries of conduct she breaks the law. But it is the common experience of police and other workers that many of the promiscuous women with whom they have to deal are associated with forms of misdemeanour quite distinct from their own particular form of law-breaking. Of the connection between prostitution and crime an officer of an international association told me, "I know that a strong connection like that exists." A psychologist wrote to me, "I should say that undoubtedly there is an association between prostitution and crime. By this I mean that I have found a rather large percentage of my prostitute cases engaging in other crimes, chiefly theft, rather more extensively than the ordinary girl of her class."

The connection between prostitution and crime noted by the first speaker must be regarded as being to some extent the consequence of the position occupied by the professional prostitute in relation to society. Tolerated, and yet outcast and declassed, she lives on the borderland of the criminal world when not actually within it. At intervals, unless sufficiently clever to avoid it, she becomes an offender amongst other offenders, often a prisoner amongst other prisoners. The very nature of her appeal to men may make her a useful coadjutor to some criminal, and her position on the outskirts of the criminal's world makes her the more easily accessible.

The association between prostitutes and thieves is fairly well defined; certain public-houses and clubs become known resorts of both. On occasion a prostitute may make a useful decoy. In one such decoy case of which I knew in London, a prostitute's

¹ Judge M. Kavanagh, *The Criminal and His Allies*, p. 29.

male confederate rifled the coat pockets of her customers from outside the window of the room to which she had taken him. Her suggestion to her customer to put his coat on a chair by the open window had, of course, been previously arranged with the thief. Some prostitutes will themselves steal from their customers, particularly if the latter are intoxicated. Many of these professionals would not take more than the price for which they had covenanted, and many would not condescend to accept a drunken customer. But the prostitute who will accept, or deliberately "pick up," a drunken man is likely to be either the less honourable woman or the very poor woman, either of whom will see in the dazed condition of her client a useful opportunity for gain.

So far as the graver crimes were concerned, the prostitute is occasionally implicated in crimes of violence due to jealousy, of which violence she is usually the victim. Certain facts stated in the latest Home Office criminal statistics tend to show that promiscuity may be the cause of an increase in certain forms of crime, i.e., "There can be little doubt that there has been an increase in sexual offences committed with the consent of girls."¹ And on another page, "Allowing for the 9 per cent. increase in population, the only offence which shows an appreciable rise is that of procuring abortion."² "The increase in sexual offences were in cases of indecent assault, indecent and carnal knowledge of girls of ages 13 to 16. Outrages against women and very young girls decreased."³ In the Criminal Statistics for 1930, the figures for "defilement of girls under 16" are 402,⁴ an increase on the 346 cases recorded in 1929, the cases of "defilement of girls under 13" showing a decrease. Cases of abortion numbered 98, an increase on those recorded in 1929.⁵ In 1929 there was a drop in the number of abortion cases compared with the year 1928 which was very high, but with this exception, and a similar drop in the figures for the year 1926, the statistics of abortion cases show a rise

¹ Criminal Statistics, 1928 (Cmd. 3581), p. xi.

² Ibid., p. vii.

³ Criminal Statistics, 1929 (Cmd. 3853), p. xi.

⁴ Criminal Statistics, 1930 (Cmd. 4036), p. 15.

⁵ Ibid.

to have occurred in each year over the figures of the preceding year since 1925.

Of the personal tendencies which may unite the prostitute and the thief in one individual it is impossible to speak here, but one theory which relates prostitution and crime must be noted. Writing in 1901 Mr. Havelock Ellis said:

"Prostitution exerts undoubted influence in diminishing the criminality of women. . . . If it were not for prostitution there would be no alternative but crime for the large number of women who are always falling out of the social ranks. As it is, in those families in which the brothers become criminals, the sisters with considerable regularity join the less outcast class of prostitutes, sometimes in league with their criminal brothers, but yet possessing a more recognized means of livelihood. . . . Again it is a remarkable fact that prostitutes may exhibit the physical and psychic signs associated usually with criminality in more marked degree than even criminal women."¹

In *La Police des Mœurs*,² Dr. Fiaux wrote:

"Nul doute que l'on ne trouve, chez certaines prostituées, sinon le type de criminalité d'ailleurs nié par nos écoles françaises les plus reformistes, du moins les individualités chargées de tares nerveuses ou même de stigmates physiques. Assurement, encore—et quel médecin n'en a rencontré un nombre non négligiable?—l'hérédité morbide surtout alcoolique prépare, dans les dernières couches du prolétariat des villes, des dégénérées diverses qui sont une proie plus facile à l'impulsion sexuelle propre, à l'accaparement des exploiters de la débauche, et, finalement, à la mainmise des inspecteurs de la police spéciale."

Lombroso wrote:

"Prostitution largely takes the place of crime in women, thus explaining why women seem less criminal than men."³

"Aschaffenburg, Lombroso's strong opponent, admits that there

¹ Havelock Ellis, *The Criminal*, pp. 265, 268.

² Intro. et Sommaire, p. xlii.

³ C. Lombroso, *Crime, its Causes and Remedies*, p. 192.

is a strong relationship between the male criminal and the prostitute."¹

To suggest that the individuals in one group resemble the individuals in another group seems to imply the existence in each group of a factor common to both. Having regard to the varied causes which produce both the prostitute and the criminal, we cannot see, in the fact of their criminality or their prostitution, this common factor. But it seems likely that a common factor may be found in the inherited characteristics which produce the criminal and the prostitute in generation after generation of certain degenerate families.

To touch thus briefly on a subject so large and so intricate is all that is possible within the limits of this book, but one further reference may be permitted to the 1928 Home Office Crime Statistics, on page xxxiv of which the following comment is made:

"As a whole the figures go to show that the increasing activities of women have not resulted in any rise in serious crime among women, but, on the other hand, have been accompanied by a great fall in less serious and petty offences."

Those who regard prostitution as the main channel for female criminal propensity may associate this absence of crime, in the face of wider opportunity, with the increase in promiscuity. On the other hand this absence of serious crime, and decrease in petty offences, may appear as proof that a widening range of interests tends to lower the numbers of the criminal population. Further light may be thrown on this point by a study of the causes tending to lead to promiscuity.

(g) THE PROBLEM IN SEAPORT TOWNS

The port problem is a complicated one.

We have, first, the problem of the foreign seaman on shore leave. We have the seaman's wife left alone for months while he is on long voyages. We have the half-caste problem which

¹ M. J. Karpas, "Psycho-pathology of Prostitution," *New York Medical Journal*, vol. cvi, p. 105.

tends to occur in seaport towns. We have the docks, with their access to shipping. And in every port we have a floating population of constantly-shifting elements, and a special aggregation of a form of population drawn to the port area by reason of special opportunities for making money out of the seafarers.

The seaman is at a disadvantage in a strange port. After being cooped up on the voyage with only male companionship he goes ashore armed with his pay and an eager desire for enjoyment and variety. He is as a rule noticeably generous and simple-minded, and he is not unnaturally a desirable customer for prostitutes and others whose object is money. In certain ports cafés are run for the supply of forms of food specially appealing to seamen of different races. Such places—naturally attractive to a stranger in a strange land—are run for mercenary purposes, and their attractions usually include women who are themselves drawn there from mercenary motives, or by the fascination which the foreign seaman possesses for very many of the younger women. Certain so-called cafés in the Bute Street area of Cardiff have been described by the Chief Constable of Cardiff (Mr. J. A. Wilson) in a Report to the Chairman and members of the Watch Committee.¹ Concerning some of these places the Chief Constable makes the following comment:

“There is reason to believe that each place is nothing more or less than a rendezvous for immoral purposes.”

He describes them as follows:

“In Bute Street alone . . . there are 40 cafés. In Bute Lane, which runs parallel with Bute Street, there are 6 cafés in premises which were formerly stables. . . . The stock-in-trade of these cafés is principally mineral waters, a supply of coffee and tea, but a meagre quantity of food, numerous tables and chairs and an automatic piano. . . . These places are also strongly suspected of being the medium for the illegal sale of intoxicating liquor and covert prostitution. . . . These dens show little activity until after the public-

¹ Report of Chief Constable, Cardiff City Police, to Chairman and Members of Watch Committee, January 8, 1929.

houses are closed when they become busy and keep open until the small hours of the morning. The waitresses or assistants kept in them dance with the patrons, who are mostly coloured seamen, and as there is usually an inner room at these establishments very little imagination is necessary to conjure the sequence."

This special type of place is, of course, not found everywhere, but the ordinary public-houses and wine lodges are attractive to a man seeking companionship, and many of these public drinking resorts have women habituées, ready to be "treated" and to offer themselves to the lonely seaman.

The half-caste problem is admittedly a serious one. It arises chiefly in seaport towns, where coloured men employed on ships as firemen and trimmers tend to establish themselves with white women who may or may not be their wives. In every port, moreover, there are foreign quarters, where the various nationalities of the poorer class who take up residence in the port establish themselves in definite neighbourhoods, often opening their own shops, and living their lives rather apart from the rest of the city.

This semi-alooofness is apt to invest the "foreign quarter" with a certain mystery which attracts adventurous young girls like a magnet, and the association of negroes and Chinese with white girls is not necessarily, nor even usually, sought by the men. The negro is generous, and his usually magnificent physique powerfully attracts some girls. It is the young amateur out for adventure who is apt to seek out and visit the foreign quarter, while the professional prostitute will haunt the public-house bars and other public places.

There is, so far as I know, no scientific ground for "the facile statement that the coloured half-caste inherits the worst of both sides."¹ Nevertheless it is very generally believed,² and the practical unemployability of the girls born of these associa-

¹ R. M. Fleming, "Human Hybrids," *Eugenics Review*, January 1930.

² A possible explanation of such inferiority of hybrid offspring is found by some thinkers who uphold the theory that racial barriers and racial purity are upheld by the highest racial types, and that the occurrence of mating between white and coloured individuals tends, therefore, to be between inferior representatives of both races.

tions of white women and coloured men constitutes a very real problem. The boys born of such unions can go to sea, but social prejudice makes the girls unwelcome in domestic service and various other employments. By ceasing to pay off coloured seamen in British ports it is sought to reduce the chances of increase in the half-caste birthrate. But the already existing half-caste population is large, and the task of dealing with training and employability is with us now. Only time can show how far it is possible to break down the barrier of prejudice, or to overcome or minimize inborn difficulties with regard to adaptability. But the problem is unquestionably one which demands earnest consideration and definite action, rather than the somewhat tepid attention which is at present accorded it.

The question of access to docks and shipping has received much attention within recent years from police and shipping companies. Where the dock area is enclosed the matter is simple, for police surveillance at the dock gates is strict. Where docks are unenclosed the unauthorized woman, if discovered, can be arrested as a trespasser if she enters. Shipping companies severely penalize any employees who connive at the access of unauthorized women to shipping. The method by which such entry is occasionally achieved is by the production of a bogus marriage certificate, or by a man "passing off" a woman as his wife. But police evidence from a number of ports shows that such entry rarely occurs now.

The whole subject of the prostitution problem in seaport towns is bound up with two other important subjects: the treatment of venereal disease and the provision of recreation for the seaman ashore. His roving life and certain port conditions make the seafarer particularly open to infection and a grave carrier of disease if infected. International co-operation has therefore provided that free treatment shall be given at all the great ports to seamen infected with venereal disease. Side by side with this provision for his welfare if diseased is the gradually increasing provision of recreation, some of it of a more active nature than formerly, when he is in port. But in "seamen's institutes," however happily conducted, the atmo-

sphere seems as purely masculine as the life on board ship. The co-operation of friendly women might be effective in bringing to seamen the feminine contacts which are so largely denied them. In the 1928 Official Report on the health of the British Navy the comment was made, "it is likely that boredom is the primary cause of a good deal of venereal disease." It would surely not be difficult to establish, in all ports, associations of men and women of good will and imagination who would be responsible for the provision of entertainment and companionship for the seamen on shore leave in their towns.

IRELAND

(All my information relates to the Irish Free State. I was unable to obtain evidence relating to Northern Ireland.)

The position in Ireland with regard to professional prostitution is little altered, chiefly because it has not existed to any great extent. "Dublin is substantially the only place where there were ever police court convictions for prostitution." Formerly the presence of the large English garrison was believed to have a demoralizing effect, but "the number of convictions is still more or less what it was," though "it may be that there is increased police vigilance." Discussion between officials and others produced the expressed opinion that "things are much the same" but that the streets are greatly improved. This is chiefly attributed to improved lighting and the consequent simplification of police supervision. "Dublin is now a very decent city for a young fellow."

The appearance of the amateur is recorded as something new. "It is beyond question that in the dance halls and restaurants a certain type of woman may be picked up, rather a new type for Dublin, the girl who is not exactly a prostitute but who will have relations with a man for a good time." The usual form taken by this modern development is a motor drive out into the country, where the sequel takes place.

So far as method is concerned "we have and have always had in the larger cities the brothel," but "the brothel in this

country has always been a place in the slum parts of the city in which drink is sold and in which women may be obtained, usually wretched degraded creatures." Since the war "there have been places in certain parts of the city, parts that are beginning to decay, where women have been given admission for prostitution, but the number of these places is really very small." At the present time, in Dublin only "there are a few hotels which ask no questions, one of them quite a large establishment, but the woman must be well dressed to secure admission." This is no doubt a sequel to the development of amateur prostitution. The impression given of professional prostitution is that it is the reverse of prosperous.

RURAL

It is in rural Ireland that real change has occurred, though "in rural Ireland there is no such thing as the prostitute" (i.e. the professional). "In rural Ireland since the war there has been a good deal of demoralization and it is now generally admitted that the primitive virtues of the countryside have seriously deteriorated." Several reasons are suggested. The Great War; and the dying out of the old superstitions "with a rush." During the war it is noted that many women left home and went over to England to make munitions, families were broken, and the old scheme of existence shaken out of place. The reference to the dying out of superstitions is interesting. It is referred to as a loosening of the restraints of fear and awe. "It should be remembered that many of these superstitions had come to be regarded as sacred, and as a part of religion. When the belief in them went, belief and the excellent effect produced by fear of evil also disappeared, and with the disappearance of these things there has been noticed a certain weakening of sex morality in rural Ireland." Some of the superstitions referred to are belief in ghosts and fairies, and in ill-luck following on certain events. Accompanying this loss of faith in the old superstitions there is, in some parts of Ireland at least, a weakening of the authority of the priests. A Catholic correspondent quotes a friend from the West of Ireland (whose

religion is not mentioned): "The attitude of the hierarchy in siding with one faction in the late civil war probably has tended to weaken the power of the Church here." Whatever the reason, it is stated that whereas formerly, when a girl's pregnancy was followed by the priest's injunction to the responsible man to marry her, the priest was obeyed, in similar circumstances now the order will frequently be "flatly refused." A comparison of the following two statements illustrates the change which has taken place in the attitude of girls towards sex relations. The first is contained in evidence given by Lord (then Sir Robert) Baden Powell before a committee which published the results of an enquiry (under the title *Youth and the Race*) in 1923.

"I have had some experience of soldiering in Ireland, and the men when they are going on leave, want to get to England. If you ask them why they say, 'Because we can't get a girl in Ireland; we have to go to England for it.'" (It is unnecessary to point out that the speaker alluded to a period before the war.)

The second statement is made by a recent correspondent with special knowledge.

"It is generally reported that there is little illegitimacy in Ireland. I regard this as a bogus claim for the following reasons: baby farming still goes on round Dublin. . . . Further we learn that the Irish maids coming over to London are frequently found to be pregnant, so that the Irish illegitimate birthrate appears to be reduced by a judicious increase of the London birthrate." (I do not know to what period "still goes on" refers, in connection with the baby farming.)

Knowledge of contraceptives, etc., is referred to in my evidence as follows:

"I should note that since the war venereal disease has become less noticeable, but this is because of the use of preventives, as these can be obtained in certain shops." "It is unquestionable that the French letter is known in the most remote part of Ireland."

To be left considerably shorn of an unquestioning belief in priestly and occult powers is part of Ireland's post-war problem,

both European and civil. The effect on her rural population seems natural. Blind unreasoning acceptance and obedience has been their rule and is passing rapidly from them. To take up the burden of responsibility is neither an easy nor a rapid process. And "anyone who finds it tiresome to make habitual use of his reason readily becomes the sport of his passions."¹

FRANCE

In the case of France it is even less easy than in the case of other countries to speak with any certainty about the present position of prostitution, for France appears to have no very clear policy with regard to the prostitution problem. Alone among the great nations she maintains in principle—and in large measure in fact—the system not only of regulation of prostitution, but also of licensed houses for the practice of prostitution. The licensing of these "maisons tolérées" and the regulation of prostitutes are in the hands of the Préfet of Police in Paris and of the Municipal Authority elsewhere. In certain towns licensed houses have now been abolished by the authorities. Some of these towns have also abolished the regulation of prostitution.

Concerning the existence of a rural prostitution problem in France I have only obtained the following brief notes. One official writes:

"Les campagnes ne sont pas moins dépravées. Le Maire d'un village de haute montagne écrivait dernièrement à l'autorité supérieure. 'Il souffle un véritable vent de débauche dans mon village, emportant la jeunesse des deux sexes vers les plus dangereuses compromissions.'"

And in an article "La Prostitution Réglementée" published by L'Union Temporaire appears the following:

"Grâce à cette tolérance officielle, d'ignobles tenanciers sont parvenus à instituer dans nos villes et jusque dans nos villages."

Side by side with the regulation system there appears to have

¹ Allier, *Mind of the Savage*, p. 79.

developed, to some extent at least, the post-war freedom in sexual relations. It is difficult to ascertain how far, if at all, this development affects professional prostitution, or to get any clear view of the development itself. Allowing for some notable exceptions, both individual and group, the French public seems at present generally rather indifferent to the problems of sex to which attention is being paid in most other countries. It may prove ultimately that the comparative backwardness of women in French public life accounts in some degree for this indifferent or conservative attitude. The secretary of a French women's organization wrote to me thus of women in France:

"They do not much occupy of social affairs, that is for most of them. Others, since the war, look on life in a more independent way."

Some evidence is given below of the development of amateur promiscuity and the position of professional prostitutes:

"Je crois que la promiscuité sexuelle augmente plutôt."

"La prostitution vénale, conséquence de la débauche des deux sexes, est en augmentation en France. . . . Cette vénalité ne se manifeste pas toujours par une habitude constante de vie prostitutionnelle ni par l'échange sexuel contre de l'argent."

"Je pense que la prostitution professionnelle s'est assez sensiblement accrue en France depuis la guerre."

"Certainly it [professional prostitution] had been increasing during the war. Presently, as there is very little unemployment, it is likely that the number of prostitutes of the poorer kind is decreasing. But there is no reason to believe that a really important change has taken place. . . . There is a general impression that the sports and the practical way of looking at life and the comradeship between young men and young women are tending to diminish the craving for sex relations."¹

"I should say that the essential is nowadays, that girls from better classes are cheaper. It is not so much that boys from these classes run to prostitutes as they can find them in their own sort. If there

¹ This correspondent was the only one to express this view.

is no demand in prostitution the supply must needs be smaller. Therefore I think that professional prostitution in the old sense is decreasing and sex promiscuity is increasing in all classes of society."

"La débauche—qui est pour moi une des formes de la prostitution—sévît dans toutes les classes de la société."

Important though this development, if real, must be recognized to be, the most conspicuous point with regard to the French prostitution situation is the persistence with which the regulationist system is maintained, and, more particularly, the retention of licensed houses of prostitution. As France is the only country dealt with in this book (with the exception of parts of South America) which has regulation of prostitution and licensed houses, it seems appropriate here to give a brief description of the system.

Under regulation, prostitution, as a profession practised by women, is tolerated and recognized, and is subject to restrictions based on a regard for public health and decency. Regulation usually involves the following:

1. Inscription and registration of prostitutes by the police.
2. Periodical compulsory medical examination of prostitutes for the detection of venereal disease.
3. Detention of infected prostitutes in some institution.
4. Recognized area in towns, in which prostitution is permitted.
5. Organized "morals police" for the purpose of enforcing regulations and prosecuting such prostitutes as fail to comply.

The authorities furnish the prostitute with a card on which health particulars are noted. She is thereby understood to be fit to be at the service of the public. But an important omission neutralizes the effect of the guarantee; for her customers are not examined, and between one medical examination and the next she may have been herself infected by a customer and have infected the remainder of her patrons.

Licensed houses (or "maisons tolérées") are licensed or "authorized" by the authorities (in France the Municipal Authority) for the purpose of carrying on the business of

prostitution. The head of the establishment is known as the "Madame." She may be the actual owner of the house, though sometimes a house or several houses are owned by a man. Prostitutes are in residence and are usually paid on a percentage basis, the madame receiving the actual payments made by the customers. In a licensed house it is understood that a prostitute must be available for any customer, for any purpose, at any time.

"Dans les maisons de tolérance, les femmes ne sont plus que de simples instruments de profit entre les mains de leurs tenanciers. Elles y sont exploitées et traitées comme de véritables esclaves, obligées de se donner au premier venu, de satisfaire à tous ses caprices."¹

"Dans la maison de tolérance, la femme ne peut pas refuser le client qui lui répugne, et doit se prêter en moyenne à servir de 8 à 15 clients par jour, parfois davantage, dans les quartiers où les militaires sont nombreux."²

"Le service sexuel . . . est obligatoire, quelle que soit l'heure et le caractère du visiteur. . . . Les malheureuses femmes sont vouées, par la violence des hommes ivres, des brutes, des sadiques . . . aux outrages les plus révoltants."³

"The inmate of one of these houses is a downtrodden creature without rights of any kind. Prostitutes in licensed houses are bound to offer themselves at any moment, to any man, no matter how repulsive. Their human dignity is held of no account."⁴

These references to compulsion in connection with the services of prostitutes in licensed houses require some explanation. The compulsion is not a legal compulsion, for the regulation system rests on no legal basis. The women are in the houses on the understanding that they serve all visitors in any way required. Should they refuse there appear to be two possibilities.

¹ Alliance Internationale pour le Suffrage des Femmes: *Rapport de la Commission pour l'Unité de la Morale*, p. 80.

² "La Prostitution Réglementée," Publiée par L'Union Temporaire, p. 13.

³ *De l'Amour au Mariage*, E. Pourésy, p. 108.

⁴ League of Nations, Minutes of Sixth Session, C.338. M.113. 1927. IV. p. 132.

They may be obliged to leave the house, which to some of them is an undesirable event, because their earnings outside the houses are lower than inside. This does not appear to be the usual result of refusal. They may be compelled to submit by the tenancier or madame, by threats or by actual violence ("avec menaces de coups et même au moyen de coups"). This ill-treatment is explained by another correspondent as follows:

"Most of the women living in these houses have been sold—very often for a high price—by pimps and people living from the white slave traffic. . . . The proprietors, in order that they may recover their expenses and earn as much money as possible, require that these women satisfy not only the ordinary desires of the customers."

This informant explains that visitors of the latter type pay any amount of money to obtain what they wish. Refusal to meet these wishes leads to complaints to the madame, "who, fearing that she may lose a customer, is quite capable of flogging a girl or of withholding food in order to tame her." It is not easy for a girl to leave one of these houses, for means may be adopted to prevent her departure. When an unwilling girl does escape, it gives rise to the "scandals" which from time to time stir the public mind. Numbers of girls, however, "acceptent le sort qui leur est fait dans ces maisons, parce qu'elles y gagnent beaucoup d'argent." The fact being, that they have no ability to make money except in this way, having reached this stage in their profession. To many, these willing girls must appear more pitiable than those who are compelled by cruelty to submit.

In addition to the extreme degradation of this choiceless compulsion for the women inmates, licensed houses tend to become the forcing houses of sexual perversions. "The bordell is a veritable school of abnormality. The inmates of the Paris bordells compete with one another in forcing upon the youthful customer the knowledge of unnatural and artificial forms of sexual gratification. Similar excesses are practised elsewhere—indeed wherever the bordell is found."¹ "Die öffentlichen

¹ Dr. A. Flexner, *Prostitution in Europe*, p. 151.

Häuser sind die Brutstätten der Perversität . . . in den Altonaer Bordellen . . . hat doch dort fast jedes Haus für jeden Besucher, der hineinkommt, das bekannte Album, das alles wiedergibt was auf diesem Gebiet möglich ist."¹ This tendency in licensed houses is partially explained by the commercial desire to provide novelty for their patrons; for the same reason a constant change of inmates is desirable, and licensed houses therefore play a large part in the promotion of traffic in women.

"We have definite evidence that licensed houses create a steady demand for new women and that this demand is met by traffickers and causes both national and international traffic."²

The claim made by supporters of regulation, that venereal disease infection is thereby reduced, has been largely disproved, and it has been asserted on the contrary that segregated areas and licensed houses have been found to be centres for the dissemination of disease. As the number of countries where licensed houses are being abolished is increasing, the latter opinion appears to be the more correct. After prolonged study, by commissions composed of individuals of differing opinions, of the effects of segregation in many cities in their own country, the United States reported thus:

"Medical inspection was not effective and the district was a virulent source of venereal infection."³

Dr. Cavaillon, a French venereal disease expert, states:

"The existence of regulated prostitution in no way diminishes the danger."

For, as has already been pointed out, medical inspection which leaves untouched the second partner in a promiscuous act is, for that reason alone, unreliable so far as the prevention of

¹ Dr. Delbanco, *Vor der Entscheidung*, p. 13.

² League of Nations (Experts' Report), C.T.F.E., C.52. M.52. 1927. IV. p. 14.

³ League of Nations, Minutes of Sixth Session, C.338. M.113. 1927. W. pp. 34 and 35.

infection is concerned. Moreover at no time has any legal or police authority succeeded in confining the whole of their prostitution population within recognized bounds. It is clearly quite impossible. The result of the maintenance of licensed houses, therefore, appears merely to consist in the supreme degradation of the inhabitants and their visitors, without achieving in the smallest degree the avowed objects of their retention. The French Government had at one time no reply to the statements made in the League of Nations report, save that they regarded the administrative subject of the regulation of prostitution and licensed houses as purely domestic for each country, and that they were carefully watching the effects of the closing of licensed houses in other countries and in certain French towns. It is no doubt difficult for a Government to break away from a system which is so firmly established. Paris is the traditional Mecca of the sophisticated patron of prostitution; France herself is the home of the licensed house; tradition is hard to break.

But there are substantial signs that French opinion is slowly changing. Not only is this shown by the increasing number of towns in which the local authorities are closing the licensed houses, but equally significant were the words of the French delegate at the 10th session of the League of Nations Committee on Traffic in Women and Children in April 1931. "There is no doubt," said he, "that, as now applied, the present system makes it possible to supervise only a small number of prostitutes, at all events in the large centres. Moreover, this system does not afford sufficient guarantees against the venereal peril. Nevertheless . . . the abolition of the system of regulation implies the adoption of laws and decrees for the protection of public order and health against the dangers of prostitution. These measures should also be based on principles of social justice. The French services, bearing this in mind, are examining the possibility of introducing provisions similar to those recently adopted in this matter in certain countries."¹

¹ League of Nations, Minutes of Tenth Session, C.401. M.163. 1931. IV. p. 48.

Although, as was remarked earlier, the policy of France with regard to the problem of prostitution is by no means clear, the solid wall of regulationist opinion is undoubtedly slowly crumbling under a pressure of social opinion which is not only French but international.

GERMANY¹

For the whole of Europe the end of the Great War marked the end of an era, and to no country has greater change come than to Germany, for the whole of her governmental system has been altered; her empire has become a republic, and the military domination so marked in her pre-war days passed with the passing of the emperor. The legacy of poverty left to most countries by the war has in Germany's case been very heavy, and for years her people have toiled with immense industry to lighten this burden. In the struggle of war and post-war days her women emerged from their former domestic or feminine semi-seclusion, and as political equals and co-workers have been for some years at the side of the men in most fields of employment.²

The sex life of Germany has been profoundly influenced by the effects of poverty, by the new attitude of women to social life and to sex matters, and by the abolition of regulation of prostitution, which occurred in 1927. Professional prostitution has decreased after a temporary increase at the end of the war; amateur prostitution is increasing, and there is a borderland between the two forms, where it is difficult to distinguish one from the other. In addition to these transitory relationships there has been an increase in a form of relationship which is based on the desire for something of longer duration than such brief episodes.

To illustrate this statement I give the opinions of several officials whose views are based on wide experience:

"Die gewerbsmässige Prostitution ist im Abnehmen, die Geheime im Zunehmen."

¹ See Appendix, s. 189.

² One cannot now predict what their future position may be.

"The social workers in Germany have this experience, that in the last years the number of women who exclusively live by prostitution have [*sic*] decreased, but the number of 'liaisons' increases."

"Die berufsmässige Prostitution ist im Abnehmen begriffen. . . . Die Gründe dafür sind darin zu suchen, dass der freie Verkehr der Geschlechter zugenommen hat, und dass die Männer den Prostitutionsverkehr meiden, weil sie Verbindungen, in denen gegenseitige Liebe das Hauptmotiv bildet, vorziehen, die Prostituierten klagen, dass sie so wenig verdienen und oft bitterste Not leiden."

"Die ganze Frage wird heute aber beherrscht durch die Zunahme der Promiscuität, wie sie heute wohl in allen Ländern vor allem auch die besseren Kreise beherrscht. . . . Der junge Mann unserer Kreise bedarf für sein geschlechtliches Verlangen nicht mehr der kauflichen Liebe; er findet im Rahmen seines gesellschaftlichen Lebens sein 'Verhältniss' welches vor allem in gesundheitlicher Beziehung viel weniger gefährlich als die kaufliche Liebe ist."

"In allen modernen Gross-städten, und auf diese kommt es bei den Massnahmen den Prostituierten fast ausschliesslich an, haben sich die Beziehungen der beiden Geschlechter ausserordentlich gelockert. Es finden sich vom regelmässigen Geschlechtsverkehr tausenderlei Uebergänge bis zur gewerbsmässigen Prostitution. Die Uebergänge sind so fein und so schwankend, dass es häufig gar nicht möglich ist, festzustellen ob ein Mädchen Prostituierte ist oder nicht."¹

"Die Beantwortung der Frage: Wo fängt der Begriff der gewerbsmässige Prostituierten an—und wo endet er? ist keineswegs einfach. Umschreiben wir ihn als den einer Frau, die sich gewohnheitsmässig, wahllos, gegen Entgelt Männern hingibt, so finden wir auf die andere Seite Frauen, die ausser ihrem eigentlichen Berufe die Prostitution als Nebenerwerbsquelle benutzen, um ihr Luxusbedürfniss zu decken. Ist dieser Typus als Prostituierte einzuschätzen oder nicht? Die Entscheidung wird Einzelfall oft sehr schwierig sein. Hinzu kommt noch, dass auch die gewerbsmässige Prostituierte heute im allgemeinen danach strebt, sich einen Kreis 'fester Kunden' zu schaffen . . . Umgekehrt sehen wir Frauen und Mädchen, die als 'Prostituierte' zu bezeichnen niemand wagen würde, gleichfalls mit einer Mehrzahl von Männern verkehren,

¹ Dr. Delbanco, *Vor der Entscheidung*, p. 39.

ein Entwicklungsprozess, der die ehemals ziemlich scharf betonten Gegensätze zu verwischen droht."¹

"The unstableness of economic conditions and unemployment . . . makes them prefer to live together on the basis of free love. Besides that many men do not earn enough to provide for a family and a married woman has difficulties to get a job. Another reason is that we have a much greater number of women than of men and yet wish to have their share of life."

"A much larger number of women than before the war have to earn their own livelihood. Many of them are State or local officials, teachers and social workers. According to a German post-war law they would lose their position when they get [*sic*] married."

Since the passing of the 1927 "Law to combat Venereal Diseases" the legal position of professional prostitution has been much altered.² Some of the alteration is more apparent than real, for, as one observer reports, in some respects the law "is proving to be unworkable."³ Up to 1927 Germany had a system of regulation under which prostitutes were inscribed but bordells were legally forbidden. ("Whoever furnishes an opportunity for immorality shall be punished as a pander.")⁴ In place of the licensing of houses, there were houses—and in some places streets containing several houses—tacitly recognized by the police as the area in which prostitutes resided. No individual could legally maintain a house and make profit out of the prostitute residents except by the reception of rent. But in point of fact, as Dr. Flexner discovered, the "mistress" or "landlady" of such houses frequently profited from the earnings of her prostitute lodgers in much the same way as the madame of the French licensed house, i.e. "they [the prostitutes] have to use every possible device to conceal from the mistress the amount received from their patrons. Finally the sums ostensibly belonging to them

¹ Dr. Hans Haustein, *Die Prostitutionsfrage* (German Press cutting, 1925).

² See Chapter VII.

³ Dr. Helen Wilson, "Notes on Social Hygiene in Germany," in *The Shield*, November 1930.

⁴ Quoted by Dr. A. Flexner in *Prostitution in Europe*, 1919 ed., p. 132.

are wiped out for the most part by 'extras' which they require or are cajoled into purchasing from the so-called landlady."¹

Bremen had a special system whereby one street, the Helenenstrasse, was entirely given up to prostitutes' flats. The landlord owned the whole street of flats and received the rents, but otherwise had no financial dealings with the prostitute tenants, who were therefore safe from exploitation, and lived independently except for the obligation to present themselves every week for medical examination. By leaving prostitutes free, or tacitly free, to earn a living in certain localities, the police in various countries have sought to delimit the area of prostitution practices. But the prostitution population is never reducible to special areas, either by compulsory or permissive measures. What Dr. Flexner describes as "the vast clandestine army" and the equally vast and secret army of patrons will—as has already been noted—always render such attempts entirely nugatory.

Under the 1927 Law, the limitation is attempted in a different way and is not confined to "prostitutes" as a class, i.e. it is forbidden for any person to practise prostitution in certain specified places. Premises for the consummation of prostitution are obtainable in some "houses of accommodation," and in certain hotels with, possibly, the tacit consent of the police. The following comment was sent by one correspondent:

"Gegen Betriebe, die bordellartigen Charakter tragen, wird von der Polizei mit Schärfe vorgegangen, dagegen ist eine stillschweigende Duldung der sog. 'Absteigequartiere' und Stundenhotels, bei denen es sich lediglich um Zimmervermietung handelt, üblich."

Practically no evidence was obtainable regarding rural prostitution in Germany. One official opined that it is a town problem only. "Die Prostitution findet man nicht in ländlichen Gegenden, sondern sie ist eine Erscheinung der Grossstadt." But from another source comes reference to the sending of advertisements of prophylactics to "small places" as well

¹ Dr. A. Flexner, *Prostitution in Europe*, 1919 ed., p. 134.

as to large towns. As these advertisements relate to the setting up of automatic machines for the public supply of prophylactics, it is possible that promiscuity, paid or unpaid, is known in country places. Such advertisement is referred to as follows, "Nach den uns vorliegenden Mitteilungen sind ganz ähnliche Bestrebungen auch in Mittelstädten und kleineren Ortschaften bereits festzustellen" (the "communication" referred to being the offer to set up automatic machines). Some of the advertisements afford excellent examples of commercial enterprise shown in connection with the sale of prophylactics and contraceptives. I quote from an advertisement issued by a firm in 1929. (It must be noted that the 1927 Law made it necessary for police permission to be obtained for the public display or offer for sale of such drugs or articles.)

"Ich beabsichtige, in den Toiletten der Restaurants, Cafés und Conditoreien Präservativ-Automaten aufzuhängen und glaube Ihnen damit zu dienen, wenn Sie mir gestatten, auch in Ihren Toiletten meine Automaten anbringen zu lassen, da Ihnen durch diesen Artikel ein sehr guter Nebenverdienst garantiert wird, und heute mehr denn je jeder Geschäftsmann gezwungen ist, jede nur erdenkliche Verdienstmöglichkeit auszunützen, die Ihnen hierdurch [misprint omitted] geboten ist. Ich bitte Sie daher, sich schnellstens entschliessen zu wollen, damit ich, sobald die polizeiliche Erlaubnis erteilt wird, welche ich täglich erwarte, mit der Anbringung der Automaten beginnen kann."

After a description of the machines and their dimensions, the advertisement proceeds to the financial advantages accruing to the owner of the premises in which such machines are set up.

"Jeder Automat enthält 50 Packungen 3 Stück zum Originalpreise von Mk. 1. pro Packung, welche am Monatschluss ausgezahlt wird. Der Verkauf wird automatisch durch ein Zählwerk registriert, wodurch Ihnen eine genaue Kontrolle gewährleistet wird. Wenn Sie nun mit dem geringsten Umsatz von nur 500 Stück pro Monat rechnen, so verbleibt Ihnen doch immerhin noch ein Verdienst von 75 Mk. pro Monat was einem Jahresverdienst von rund Mk. 900 ohne irgendwelche Unkosten entspricht."

Response to questions regarding the relationship of prostitution to crime in Germany was very slight. One correspondent states that "Die Prostituierten stehen selten in Beziehungen zu Verbrechern, wohl aber . . . zu Zuhältern." Another expresses the opinion that "Verbrechen und Prostitution gehen Hand in Hand. Nimmt die Prostitution zu, mehren sich auch die Verbrechen, es wird sogar gesagt, dass die Prostitution die weibliche Erscheinung des Verbrechens sei." Whether this last view is German in origin or is reminiscent of the view of Lombroso already quoted is not clear. It is likely that association with "Zuhältern" is as ready an introduction to the criminal or semi-criminal world in Germany as similar associations elsewhere.

The problem of prostitution in seaport towns is naturally a weighty one, and is met in Germany, as elsewhere, by attempts to provide recreation for seamen on shore, in addition to the provision on a large scale of V.D. treatment in accordance with international agreement. Regarding the provision of recreation a correspondent wrote from one of Germany's largest ports:

"Klublokale und Seemannsheime gibt es, gemessen an der Zahl der fahrenden Seeleute (z.Zeit ca. 36,000, von denen ca. 5-6,000 arbeitslos an Land sind) sehr wenig. Sie sind teils staatlich, teils von Reederkreisen, teils von privaten Vereinen eingerichtet."

In a report of the Harbour Health Service of Hamburg, Dr. Karl Sannemann wrote:

"The sailor, after the strenuous and monotonous service on board, seeks diverting entertainment during the free time in the harbour, and thereby gets into dangerous paths. . . . There is, therefore, rightly, in recent times, an insistence that it is necessary to provide for seamen, at least in the larger harbour cities, opportunity for entertainment which will tend to keep them from visiting places of danger to body and soul. While in many places seamen's homes have been already erected by welfare organizations and religious agencies which offer to seamen not only lodging opportunities but

entertainment as well, their number seems to be quite insufficient. It is to be hoped that they will be further extended."¹

A noticeable feature of the present-day attitude towards sex problems in Germany is the new value given to sex experience by a large section of the population, both men and women, occurring during a period when there is frequently inability to incur the economic risk of matrimony. The result is a widespread concentration on the subject of sex, and a questioning of accepted standards touching sex relations.

"Mehr noch als auf anderen Gebieten der Gesellschaftsgestaltung werden heute die überkommenen Gesetze und Sitten des sexuellen Lebens, von kritischen Geistern in Frage gestellt und von einer wachsenden Zahl von Vertretern beiderlei Geschlechts praktisch verneint. Man stellt die Berechtigung der monogamen Dauerehe in Frage. Man fordert das Recht auf ihre polygame Auflockerung für beide Partner."²

To a certain group it appears desirable to include in their conception of the value of sex experience all erotic manifestations, including what appear to other thinkers to be morbid. I have no idea of the dimensions of this group, but there are indications that it is not large. It is, however, a conception of normal sex experience as an essential of full human development, without which growth is stunted and starved, which has for some time preoccupied the minds of a section of German society of all ages.

"Nach allem stellt die Sexualität eines der höchsten persönlichen Lebens- und Rechtsgüter dar."³

By many of these it has been felt, too, that only by careful study of the subject can the real value of the "Liebenslebe" be disclosed and fully attained. "Der Geschlechtswille aber muss im Geschlechtswissen wurzeln."⁴ "Sexuelle Pädagogik"

¹ Prepared for Hamburg University. Printed in the *American Journal of Social Hygiene*, February 1930.

² Dr. Eduard David, "Die neue uralte Sexualethik," in *Die Schaffende Frau*, November 1929.

³ Dr. Magnus Hirschfeld in *Sexualreform und Sexualwissenschaft*, p. 5.

⁴ Ibid.

became a definite subject, and in Berlin Dr. Hirschfeld established the "Institut für Sexualwissenschaft" for the study of sex in all its aspects.¹

This attitude represents only one—though an important and thoughtful—section of the German people. Another social attitude was expressed thus to me by a German business man, and approved later by a married German woman of considerable intellectual ability.

"I think a man and girl should be able to have these relations and pass on. We make too much of that side of life. It is less important than the intellectual relationships with others."

Whatever view is taken of the importance of sex experience, the tendency in Germany recently has been to claim for the woman a sexual freedom similar to the freedom formerly demanded only by men. And while professional prostitution is the occupation of a body of women—and particularly of very poor women—which is still large, it is less patronized than formerly by a male population which has now more satisfying opportunities for sex relationships elsewhere.

But, as already noted, prediction with regard to the future position of women is impossible. It is equally impossible to predict the future relative positions of professional and amateur prostitution.

THE UNITED STATES

No country has studied the subject of "sexual morality" more assiduously and devotedly than America. The American Social Hygiene Association is the driving force of an immense volume of careful research work. The New York Committee of Fourteen, the Chicago Committee of Fifteen, and numerous local social hygiene councils or other similar organizations are continually at work, carrying out investigations, and reporting conditions.² In quoting from the reports of some of these agencies one is likely to present as reliable a study as is obtainable of a portion of the American prostitution position;

¹ This institution was raided during the Nazi revolution.

² The Committee of Fourteen has now been dissolved.

for these reports are not only the fruit of able and elaborate enquiry, but they are produced by associations which are in sympathy with the laws whose results appear to be proved in the reports. They may be accepted, therefore, as being reliable accounts of present-day conditions.

Before proceeding to quote, it must be noted that the American legal attitude towards commercial prostitution is a deliberately repressive one. The aim is to "clean the streets," to suppress every sign of sex commerce, and to drive it away whenever it manifests itself; to treat the prostitute and her commercial associates as a public nuisance and a menace alike to health and morality. Some States include the prostitutes' customers among the commercial associates with whom the law must deal. In the 1926 Report of the Committee of Fourteen it is stated, "Under the conscientious repressive policy all forms and areas of prostitution are proceeded against."¹ Dr. Saleeby described the American policy as: "The active and very drastic and sometimes very ruthless and possibly sometimes cruel suppression of prostitution, with the idea of protecting young people. They take the view that these young people must be protected, and one of the steps they have taken is to clean the streets. . . . They are out for the suppression of prostitution. . . . They are very far from satisfied but . . . they are generally agreed that they are cleaning up their streets." Dr. Saleeby added in the same place, "They lay immense stress upon recreation, even at great expense."² His evidence was thus not concerned solely with the negative side of the American policy.

It will be useful to quote from the reports in such order of date as to show some sequence of events. Fortunately we have in the 1929 Report of the Committee of Fourteen some useful history dating from 1905, which gives an interesting glimpse of the effects of the New York repression policy (the history, however, being lengthy, cannot be quoted verbatim, but merely indicated). In 1905 there were large and well

¹ Committee of Fourteen Annual Report, 1926, p. 29.

² *Youth and the Race*, ed. by Sir James Marchant, p. 119.

defined prostitution areas in New York. The Raines Law hotels¹ were in full operation. Street after street had its "dives" (often several in one street) well known by name—"The Flea Bag," "Paddy Mullin's," "The Little Jumbo," and scores of others. Near Third Avenue the streets "were patrolled by hundreds of women working at times by relief squad methods." There were special negro resorts ("Digg's," and "Herbert's," etc.), and special cheap resorts, all existing in definite districts. By 1915 hundreds of houses had been closed and large numbers of their managers had served or were serving prison sentences, while others had turned their premises into "lunch rooms," etc. Twenty prostitutes might be seen where formerly three hundred had been actually counted. At the same time, prostitution had begun to develop in tenement houses and apartments. Then followed intense war-time activity against prostitution under a War Department Commission, and by 1920 "commercialized prostitution in New York reached its lowest ebb." (It is possible that many women had found employment in other ways during the withdrawal of men, but I have no proof.) Since 1920 there has been a steady increase, the location being the "speak-easy." In the 1926 Report of the Committee of Fourteen it is stated: "Prostitution as it exists in New York city to-day, is almost entirely clandestine. [By clandestine prostitution is meant commercialized prostitution which has become very secret and covert and difficult to find.] The springing up of the numerous night clubs and speak-easies has been responsible for providing haunts for clandestine prostitution which formerly did not exist."² In the following year the Committee reported having investigated 157 night clubs and speak-easies during the year, "132 of which were subsequently found to be identified with prostitution."³ A description of the "speak-easy" is given. There is a main room where customers gather and where they are

¹ When the Liquor Tax Law restrained sale of liquor on Sundays to hotels, numbers of drinking saloons were turned into "hotels" by the addition of a minimum of ten rooms. They were termed "Raines Law hotels" and were largely used by prostitutes.

² Committee of Fourteen Annual Report for 1927.

³ *Ibid.*, p. 17.

introduced to prostitutes, who are either residents or sitters, and where drinks are served. In other parts of the building are bedrooms or other rooms for the consummation of the act of prostitution. A second type are places where prostitutes are employed under the guise of "hostesses" and where drinks are served, and where customers are invited away from the premises. . . . The third type is where there are no prostitutes employed by the management, but girls from the outside are permitted to come in and solicit, the customers being taken elsewhere.¹ "The hostess of the night club or speak-easy . . . is employed by the speak-easy proprietor for the main purpose of increasing the sales of liquor, food and other drinks; incidentally she is to provide aesthetic, social, and sexual entertainment for the men customers."² "It is believed that the night club and speak-easy have been directly responsible for a marked increase in the volume of prostitution."³ The next Report shows fresh developments. During the year, 392 night clubs and speak-easies were investigated more than once, 380 of which were associated with prostitution. A new traffic in women appeared to be developing. Club hostesses obtain their situations through employment agencies. Some are attracted by the fact that no experience is necessary, and by the suggestions of high pay. "Evidence has been secured proving that certain employment agents place girls as hostesses in the most notorious clubs and speak-easies in town."⁴ "Evidence was found in four clubs that someone connected with the management . . . had girls on call."⁵ "Several instances were found in which call flat madames were known to be frequenting night clubs and speak-easies in order to get new girls."⁶ Histories of hostesses had been taken. "The majority were girls from small towns both near and distant."⁷ Some were already prostitutes, but "the demand is so great at present, however, that there are not enough ready-made prostitutes to supply

¹ See Committee of Fourteen Annual Report for 1927, p. 17.

² Ibid., pp. 21, 22.

³ Ibid., p. 23.

⁴ Quoted from extracts in *The Shield*, January 1930, in which no page references are given.

⁵ Ibid.

⁶ Ibid.

⁷ Ibid.

it. Hence the recruiting through employment agencies and elsewhere."¹

The Report published in 1930 states "the past 3 or 4 years which have marked the development of the speak-easy clubs have also been coincident with an increase in prostitution."² The speak-easies, it must be noted, often evade police restrictions by incorporating under the "Membership Corporation Law." The American Social Hygiene Association describes the development of "road houses" outside certain cities as being adjuncts to commercial prostitution. A road house is defined in the dictionary as an inn "catering to travellers by road, such as carriage parties, automobiles, etc."³ It is easy to see that they might be made to serve the purposes of both amateur and professional prostitutes, and studies made of a number of road houses in Cook County (Illinois) and in Massachusetts show that very many do, in fact, so serve.

It appears from these Reports that although commercial prostitution is now less visible to the ordinary public, it has discovered, under the repressive regime, new outlets and sources of profit. A private letter from an American Social Hygiene Association officer says that by the abolition of vice districts "the old alliance between crooked politicians and commercialized prostitution has received a body blow from which we believe it will never recover." But investigations into police methods in the United States generally, and into the conduct of the New York Magistrates' Courts in particular,⁴ made it clear enough for all to see that any commercialized form of vice tended to produce "crookedness" in official behaviour. The outcome of such investigations is impossible to foresee, but it seems clear that there is full recognition of the association of prostitutes and criminal

¹ Quoted from extracts in *The Shield*, January 1930, in which no page references are given.

² Committee of Fourteen Annual Report for 1928, p. 43.

³ "Cook County (Illinois) Road Houses," *Journal of Social Hygiene*, vol. xvi, 1930, p. 257.

⁴ *v. Report on Lawlessness in Law Enforcement*, issued in 1931. And *Seabury Report*, issued in 1932.

“gangsters”; and it seems clear, too, that the process of driving prostitution out of sight has resulted in an alliance with other hidden elements, very damaging in its social consequences.

The subject of amateur promiscuity aroused great attention when Judge Ben Lindsey described its widespread existence in his two books *The Revolt of Modern Youth* and *Companionate Marriage*. Judge Lindsey formerly presided over the Juvenile Court of Denver, and he quotes figures in support of his statements from the actual number of individuals with whom he dealt. Unfavourable critics accuse him flatly of exaggeration; others more fairly point out that he accepted figures of alleged cases of which he had no personal knowledge. Admitting these criticisms, it is only fair to draw attention to the fact that Judge Lindsey did follow up and check a number of the reports of alleged cases, and finding a large amount of truth in them, was not unjustified in assuming that they were fairly representative. No one can attempt to claim accuracy for any statement about the prevalence of amateur promiscuity. “By the very nature of the act, promiscuous sex experiences which do not constitute an offence are impossible to calculate as to extent. There are many social workers in this country who believe that there are more educated and fairly well-to-do girls in this country who indulge in promiscuous sex relations before marriage than formerly, but they have no proof.”¹ But Judge Lindsey established at least a certain amount of fact based on personal knowledge, and his opinion seems to be supported, to some extent, by other writers. One of his statements was as follows: “C. . . . responded to some questions from me by making a list of 58 girls of high-school age known to her personally, who had had at least one or more sex experiences with some youth. . . . I immediately got into touch with 9 of the girls on C.’s list who had had relations with boys. These 9 girls admitted it all, and in time gave me the names of some boys with whom they had had relations. I talked to them separately of course, and the names of some of the boys appeared on several of the lists. Others were only on one list.

¹ Quoted from personal letter written by Official in U.S.A. to author.

One of these girls, aged 16, had had relations with 20 boys, and gave me the names of 19 of them on the spot. I afterwards talked with most of those boys, and all of them have admitted the truth. Nine of the girls had gone the limit with an average of 5 boys each."¹ Another writer says: "Social workers, teachers, everywhere tell the same story of young persons from 'better' houses who say frankly that they see no harm in intercourse between comrades, bound to each other by their love, but unwilling, in their own terms, to fetter that love by marriage."² There seems some evidence that while the young American of high-school age may be experimentally promiscuous, those of a slightly higher age group may tend to relationships with one individual. In some cases this is the result of a prolonged engagement period and the belief that it is unnecessary and undesirable to postpone sex experience when it can be safely shared. Knowledge of contraceptives is widespread, and appears to be freely used. "Growing familiarity with the virtues and values of various contraceptive methods has awakened youth to the potential values of such instrumentalities for the furtherance of their own sexual life."³ Judge Lindsey referred to the knowledge of contraceptives: "Among the facts that came out in my interview with C. was . . . that many of the girls of her acquaintance often carry a certain well-known contraceptive device in their vanity cases. . . . That this vanity case practice is not uncommon I have many verifications. I know a woman, for instance, who lives in a very select boarding-house in Denver, where there are a number of outwardly respectable and conventional young women of from 18 to 25 years. This woman recently told me that she knew several of these girls very well, and that they, quite as a matter of course, go thus provided against emergency."⁴

There is evidence from the States of a considerable trade

¹ Judge Ben Lindsey, *Companionate Marriage*, p. 314.

² Henry Neumann, *Modern Youth and Marriage*, p. 3.

³ Ira S. Wild, M.D., "The Sex Problems of Youth," *Journal of Social Hygiene*, October 1930.

⁴ Judge Ben Lindsey, *Companionate Marriage*, p. 316.

in the sale of prophylactics and advice by totally unqualified persons. To test the extent of their trade in one city, Philadelphia, an enquiry was carried out, in the course of which the advertisements in "twenty-five English and foreign language newspapers and periodicals, published and circulated in Philadelphia, were examined." "One Philadelphia edition of a New York Italian 'daily' contained in one issue thirty so-called advertisements of 'specialists' or 'institutions.' . . ." An English language "weekly," published in New York and sold widely in stores and on news-stands, contains in each issue from 35 to 40 advertisements of remedy companies, so called, of quacks, etc., who pretend to treat or sell cures for sexual disorders. One Chicago newspaper for negroes, sold in Philadelphia, had more than 30 advertisements of a similar type.¹

"Philadelphia is one of the few cities in the United States which still has 'museums' for men. . . . 'Museums' and 'medical offices' are often controlled by non-medical men. . . . The case-maker and the case-taker or interpreter are usually the managers, directors, or owners of these places and it is their principal duty to get as much as they can from the patients. The prices range from fifty to one hundred dollars for a case of gonorrhœa or syphilis with cure guaranteed."² The investigators discovered cases of wrongful diagnosis and treatment of non-existent venereal disease by quacks. In one such case the "patient" needed seven months' treatment (and lost seven months' work) to "relieve him of the injury received at the quack office."³

A similar investigation carried out in Washington showed that "although the local quack is prohibited from advertising," local patients have no difficulty in obtaining "remedies," etc., through advertisements from other sections of the country. Letters were sent to 55 of these advertisers, to which 49 replies were received. Two of the 49 refused to treat or send remedies. Herbalists may and do advertise, and in one of the principal streets in Washington is a shop of this sort. "In the windows

¹ *Journal of Social Hygiene*, December 1929, p. 539.

² *Ibid.*

³ *Ibid.*, p. 541.

are displayed herbs and liquids. The labels of some of the boxes plainly indicate that the herbs are intended for 'sexual rejuvenation.' An investigator who applied to this herb store as a patient learned that the person in charge at that time was quite willing to treat gonorrhœa, which he diagnosed without an examination."¹

There can be no doubt that, whatever their actual efficacy may be, the advertisement and display of these goods are liable to be provocative. It is equally true that demand is quickly followed by supply, and of the existence of a demand there seems equally no doubt. The altered outlook of women and their changing attitude towards sex are important elements in the present phase of sex behaviour. "There is a larger measure of female sexual aggressiveness to-day, because women possess a very definite idea of the meaning of sex relationships, a greater knowledge concerning the prevention of pregnancy, and a more willing acceptance of the theory that regards whatever advances individual pleasure and growth as essentially moral in character."² "To-day there is a great tendency towards a single standard, and that the one formerly regarded as the sole privilege of the males. Female sexual activity now tends to achieve the former self-arrogated masculine level."³ These remarks occurring in a sympathetic study of modern American youth problems, suggest a development similar to the development noted already in Great Britain and Germany.

America appears to have, at present, an increase in both professional and amateur forms of promiscuity. It seems likely that the former has a definite cause in the repressive measures applied, which have had the unexpected result of forcing prostitution into channels beneficial to the purveyors. For this reason, reports showing the results have been rather fully quoted. But in all probability we should find that those who take advantage of these increased commercial possibilities are older men, taken generally, than those sharing modern promis-

¹ *Journal of Social Hygiene*, February 1931, pp. 92-93.

² Ira S. Wild, M.D., "Sex Problems of Youth," *Journal of Social Hygiene*, October 1930, pp. 422, 423.

³ *Ibid.*, p. 419.

cuous views with young women. I would suggest that the significant social movement is the amateur increase, and that the other is to some extent accidental, i.e. the totally unforeseen result of the application of rigid repression.

CANADA

It was impossible to obtain more than the following fragmentary notes from Canada. As both of the quoted opinions regarding professional and amateur prostitution were sent by officers of national organizations, they possibly represent more than personal opinions; but it is of course impossible to feel that any conclusions can be drawn.

"I would say that professional prostitution is decreasing in Canada. I should judge professional prostitution is recruited from young girls more than from older women."

"I have had an opinion for quite a long time that professional prostitution of the old type has been decreasing materially during the last ten years, and there also appears to be evidence of the fact that there has been a substitution of promiscuity into which financial considerations do not enter."

Personal discussion with a Canadian ex-army captain led to the following information: He had talked with numbers of professional prostitutes in Canada, and in England during the war, and compared them thus: "In Canada I would say they were more vicious, and more of the criminal type." He had definite views, from personal experience and from the experience of acquaintances, about the prevalence of unpaid promiscuity and the "sex aggressiveness" of many girls. He had received perfectly definite invitations from girls who had already had experience with other men. One girl explained that she wished to have a child without being "tied to a husband." He summed up these experiences, shared with other men, in these words, "To-day, if anything, girls seduce more men than men seduce girls."

The extreme brevity of these notes makes it impossible to

do more than present them "for what they are worth" in relation to the rest of the evidence.

AUSTRALIA

In attempting a brief review of the present position of prostitution in Australia, it is essential to indicate the regions from which information has been gathered. Australia has vast stretches of sparsely populated areas and a vague general statement would possess no value. In bulk my information is very small, but it comes from the most important towns in the States of New South Wales, Victoria, South Australia, and Western Australia. It is unfortunate that I have no information from Queensland, the third most thickly populated State. Nor have I information from any northern town, nor from Tasmania. But fortunately some of my evidence comes from Sydney, Australia's largest port.

My evidence shows that professional prostitution is slightly increasing, or static. The "Consorting Act" (as it is generally called) in New South Wales is having the effect of driving prostitution into neighbouring States (Victoria is particularly specified by one writer), which is of course merely a shifting of a portion of the population without altering the occupation (though some have abandoned it). There is compulsory confidential notification of venereal disease throughout Australia. I have no reference to the effect on prostitution. Some evidence is given below:

"I should say it [professional prostitution] is not increasing. I should not say it is practised more by one social class than another. It is being recruited more from young girls than formerly."

"I venture to say that prostitution is not on the decrease, from our observation it is on the increase. I consider it is practised more by the average¹ class of girl. I believe it is recruited more among young girls than older women. . . . I find some very young girls."

¹ I believe the writer to mean "middle class," from the nature of my questionnaire.

"I do think that professional prostitution is increasing. I should say that it is practised more by the young woman who has to earn her own living in domestic or factory work. Recruiting appears definitely to be from the young women still in their teens."

"Here . . . we find prostitution is increasing slightly, and this in the ranks of young girls of the working class. . . . The professional prostitute is here very frequently addicted to cocaine."

"In New South Wales until recently there was always a good livelihood to be obtained at this business. Although the profession was always overcrowded, the demand for its services was always heavy. Since the Consorting Act was brought into operation¹ these people have experienced great difficulty and embarrassment in carrying on their occupation . . . a great number have been compelled to abandon this means of livelihood . . . whilst the more seasoned . . . have departed for other States. . . . My opinion is that for the most part the girls who practise prostitution are recruited from the families of the lower working classes. . . . I believe that most of the 'street women' are quite young girls from the ages of 16 to 23 years."

"Yes, it [professional prostitution] certainly is increasing, especially in the capital cities of the States of Australia. When an effort is made to drive these unfortunate women out of one city or district, they go elsewhere and carry on their trade. Just recently in N.S.W., under a new Act called the 'Consorting Act,' the police have cleared the main streets of the city with the result that they have gone to Victoria. Usually, I think, there is more prostitution in Sydney than in the other capital cities, but that, of course, is accounted for by the large population and its universal shipping to and from all parts of the world. . . . I think there is no doubt that such prostitution is practised mainly by girls of the lower and middle classes. . . . I think there is no doubt that the ranks of professional prostitution are recruited from young girls. Some older women take to this life, but as a rule . . . they keep, or are kept by their own so-called 'fancy men,' or . . . keep houses of assignation."

There is clearly some development of amateur promiscuity. But it is unfortunate that no response was made on the subject,

¹ The "Consorting Act" is dated November 1929.

in the case of some cities; and one is therefore unable to draw any definite conclusions as to its existence. Such evidence as I received is given here:

"Regarding promiscuous relations, there appears to be evidence of an increase by all classes, including young girls, a large measure being unpaid."

"Promiscuous sex relations are increasing, seemingly in all classes."

"There is a definite increase in the number of girls who take up this life in order to make money faster."

"With regard to promiscuous sex relationships paid or otherwise, it is almost impossible to give definite answers. I am sure such relationships are increasing enormously, and are enlarging the ranks of professional prostitution, into which many of them drift, if they do not marry or are unable to procure the means of livelihood to which they have been accustomed. . . . Undoubtedly, such relationships are practised more by those of the upper classes and middle classes, and with the now well-known and much practised use of contraceptives, they are found to be fairly innocuous. I think many older women, as well as young girls in fairly good positions in life, enter into sex relationships not necessarily promiscuous, but for the sake of companionship and to avoid giving up their independence and a well-paid job.¹ But undoubtedly there is a large class of girls who carry on promiscuous relationships, fearless of consequences and who, though not absolutely paid in cash, receive clothing, entertainment, presents, and many pleasures which otherwise could not be theirs."

As these replies, though few in number, have come from important cities in Western Australia, South Australia, and New South Wales, they represent, so far as they go, reliable opinion from scattered points and not from any narrow radius. It is unfortunate that they are too few in number to make it permissible to attempt a clear picture of the situation. But their unanimity of opinion, coming from separate areas, makes it appear likely that the existence of amateur promiscuity is fairly wide-spread.

¹ The only reference, from Australia, to this type of "liaison" or monogamous extra-marital relationship.

SOUTH AMERICA

(Under this heading reference is made only to those parts of South America known to be associated with prostitution, e.g. the Argentine, Brazil, and Uruguay.)

Ever since the existence of traffic in women became known to specialist groups, and later to society in general, the public mind has been aware of South America as the greatest mart in the world for this form of commerce. It is as a centre for the traffic that we still have to regard South America, although the veil of secrecy which was formerly the safeguard of the traffickers is gradually being torn away.

It has long been known by specialist workers that Jews were responsible for much traffic between South America and Poland, Russia, and elsewhere, and the various Jewish associations for the protection of women and girls have been among the most vigorous of those working to discover and thwart the traffickers. The ease with which Jewish ritual marriage can be used for the exploitation of ignorant girls explains the very large part played by Jews in the traffic. A Jewish ritual marriage consists simply in the exchange of symbolic gifts between the man and woman. The presence of any adult witness is, according to Jewish religious observances, sufficient for the celebration of a religious marriage. This marriage is, however, not a legal marriage unless it complies with the legal regulations of the country in which it is celebrated. It is easy to see, therefore, how it may be utilized by traffickers, though it has now been pointed out by Mr. S. Cohen (of the League of Nations Committee on Traffic in Women and Children) that a remedy for the abuse of the ritual marriage would be the simultaneous celebration of the religious and civil marriage.¹

The sensation caused by the Press accounts of the discovery of the "Zwi Migdal" in Buenos Aires, may perhaps have

¹ League of Nations, Report of Ninth Session, C.216. M.104. 1930. IV. p. 4.

tended to exaggerate its importance from the "traffic" point of view, by giving the impression that the uncovering of the "Zwi Migdal" meant that the whole inner organization of the traffic had been exposed. This does not appear to be the case, though it was of course an important piece of work to have unearthed the workings of this particular organization. Originally the "Zwi Migdal" appears to have been an association formed for a different purpose, and though composed of traffickers and their friends and relations it was not originally formed as a "traffic" organization, but was later developed into such an organization. It opened an easy way to its members to achieve "traffic" purposes, and ritual marriage celebrated in their synagogue was an effective "blind" in case of suspicion. The very great importance of the discovery seems to consist in the fact that an effective move was made against persons who had appeared quite secure from enquiry or interference.

The following description of the methods of traffickers was given in Buenos Aires in May 1930 by Mr. S. Cohen: "Procurers had found a loophole of escape by taking girls—ostensibly dancing troupes—to France and other countries and contracting them to appear in South American cabarets. The girls were told that their salaries out here [South America] would be 2,000 francs a month, which sounded quite a lot of money until the victims were ashore in Rio de Janeiro or Buenos Aires, and found too late that it was not sufficient to pay for their board and lodging. Mr. Cohen affirmed that the 'variety agents' who brought the girls to Buenos Aires deliberately advised the girls to take rooms in seemingly economical boarding-houses. When the month end came they were handed bills for more than they had earned as salaries for their services. Realizing that they were in a very desperate plight, the girls as a rule borrowed money from men hanging around in readiness to lend it to them. They were only offered one way of freeing themselves from the obligation. Sometimes, said Mr. Cohen, they finished up by obtaining employment as 'hostesses' in the cabarets in

which they had been employed originally to dance. In other cases they were drafted out to disorderly houses."¹

The present position with regard to traffic appears to be, that "there is a diminution of the number of women trafficked into South America . . . though there is still a large number of women, not Jewesses, brought from France, Spain, and Portugal, who have practised prostitution in those countries."² These are brought over "either to enter Houses, or to work for souteneurs or traffickers."³

So far as the streets are concerned, there is practically no soliciting in Buenos Aires (I have no evidence from elsewhere). This was stated after experience in the streets "at all hours of the day and night." But the South American women are apparently taking more to prostitution, and are "being introduced to that life by South American men."⁴ There is a considerable amount of accosting of women by men, mainly not serious in character, and chiefly a display of the pseudo-gallantry and the exuberance and freedom of comment usual among men of Latin races. The attitude of the women has something to do with this, however. They tend to believe that the man who "sows no wild oats" is an inferior creature. The social attitude is therefore favourable to male promiscuity, and any natural tendency to aggressive "gallantry" is likely, for this reason, to be accentuated.

¹ *Buenos Aires Herald*, May 25, 1930.

² Private evidence.

³ *Ibid.*

⁴ *Ibid.*

CHAPTER III

THE PROSTITUTE: CAUSES LEADING TO PROMISCUITY

IN studying "causes," recognition must be given to two important facts. Firstly, circumstances alleged by individual prostitutes to have led to their mode of living are not necessarily the real causes. All replies to the questioning of prostitutes are subject to the untruthfulness to which they are prone and for which there is definite cause. The life of a prostitute tends to produce emotional reactions of various kinds, which are unfavourable to truthfulness or accuracy. Ready tears in response to friendly talk; romantic tales about their past lives; gusts of anger and invective against individuals or on account of real or imagined injury or injustice; the effects of alcohol; any of these tend to distort the records and statements which may or may not be truthful in intention. This untruthfulness, moreover, is very commonly induced by the different reactions liable to be produced by the sex of the questioner. One investigator of many years' experience, for example, told me that the "histories" given to himself, and (separately) to his woman assistant by identical women would be entirely different in very many cases. The retailers of these histories were, of course, entirely unaware of the association of the two enquirers, and were disposed to give the story most likely to appeal to a man or woman listener as the case might be. Secondly, in reviewing the causes which appear to lead to the adoption of promiscuity, it is important to remember that it is rarely that any one cause leads to this mode of life. A combination of circumstances may most frequently be supposed to have led to promiscuous habits or professional prostitution (a fact so true about most situations in life that it seems almost unnecessary to mention it here). Moreover, individual reactions to circumstances or combinations of circumstances are so different that it would be difficult to place a finger on any fact in any

record and say, "Here was the cause." Nevertheless, there are certain social and personal conditions which so frequently form the background to the promiscuous life as to leave no doubt that they are important factors.

POVERTY

There is a very common belief among those who have not particularly studied the subject, that the predominating cause of professional prostitution, so far as the woman is concerned, is poverty. In point of fact, as a direct cause of prostitution poverty appears to be a diminishing factor,¹ except in Germany, where it is undoubtedly a cause at the present time. In the case of Ireland, the real prostitute is described by one witness as "the dweller in the slums" in towns, and "the tramp woman" in rural parts; "an older type of woman of the 'slut' class," and "a wretched creature, properly called 'unfortunate.'" These words describe the kind of woman who usually has no power to earn in any other way, but it is impossible to know whether she ever had the power to earn; whether, in fact, she is the result of hereditary incapacity or of social conditions or of both; whether her poverty is the cause of her way of life, or the accompaniment. From Great Britain such evidence comes as the following: "I can say that in my experience I have never come across a prostitute in this country [England] who could be said to have been driven to that life through low wages."² "It is the exception to find a woman who has been driven to immoral earnings by financial need."³ "Most recruits come from trades where unemploy-

¹ In their report to the League of Nations Committee on Traffic in Women and Children, on April 5, 1932, the International Union of Catholic Women's Associations stated: "We gradually came to the conclusion that the essential cause of prostitution is not economic, as might at first be thought, but essentially moral, social, and individual."

One voluntary organization reported one city in Great Britain in which there were indications that some young girls were taking to prostitution on account of lack of employment.

² Private evidence.

³ Miss Spens, St. Thomas's Hospital V.D. Clinic, *An Almoner's Work in a Women's V.D. Clinic*, p. 11.

ment is rare and many have left jobs which could be considered at least tolerable by other girls."¹ These statements have been substantiated by all of the British witnesses questioned. In Germany, poverty seems emphatically to be a cause of professional prostitution at the present time. "Infolge der Verarmung weiterer Bevölkerungsschichten werden allerdings viele der Prostitution zugeführt die sich früher davon ferngehalten haben."² "In a time of such economical distress and need, there are many girls and women in our country, who try to gain some money by prostitution. . . . I have just been in H—— for some days and had an autogarage in a small street behind the Central Station. There was not a house where not a prostitute was standing before, many of them looking very decent and not at all like women who are accustomed to that mode of life."³ "Allgemein kann man ruhig behaupten . . . dass als ein wesentliches Moment zur Prostituierung der Frau missliche ökonomische Lage führt." The only two French references to the effects of the economic situation on prostitution were of the opposite character. "Mais ce n'est pas la pauvreté qui est la cause," was one writer's opinion, while the second was of a more positive nature, and gave increasing luxury as a cause of increasing promiscuity, "plus grands diffusion du luxe dans toutes les classes."

Two references to poverty as a cause of prostitution were made in evidence from Australia. In one case "poverty" appeared under a general heading which included the features composing "unsatisfactory environment." The other reference runs thus: "Girls can easily earn so much more in such a life than they can in shops and factories or domestic service, that every social worker recognizes that economics are the fundamental cause." The last reference obviously does not necessarily imply that poverty is a cause, but it introduces the subject of earnings in relation to prostitution.

In an American Social Hygiene Association *Summary of Activities during 1931*, the following comment occurs: "Un-

¹ L.C.C. Report on Common Lodging Houses, 1927, p. 12.

² Private evidence.

³ Ibid.

employment is a factor in reducing the resistance of many young women to seduction and causing them more easily to become victims of the 'madames' and pimps who make a living by exploiting women."

I have no evidence that women supplement, by prostitution earnings, wages insufficient to maintain them, but I have ample evidence that one or both forms of promiscuity are practised to supply what the witnesses describe as "luxuries." The whole subject of "luxury," is, of course, difficult, for it is a hard task indeed for any individual to decide what are or are not luxuries for other individuals. If a luxury is "a desirable thing which can be done without,"¹ it is quite clear that "desirability" and the ability to "do without" are largely individual questions. However, for the purpose of the present discussion we may accept "dress, drink, dainties, gay times"² as the luxuries usually coveted. It is to procure some or all of these "extras," unobtainable by other means, that a very large percentage of the practise of promiscuity occurs.

ENVIRONMENT

Although poverty may not be very usually a direct cause of the adoption of prostitution it is very frequently indeed an indirect cause. For the accompanying circumstances of poverty are in many countries exceedingly dreary and often degrading. The ugliness and drabness, the dirt, decay, and litter, which are so usually the surroundings of poverty, are debasing elements which actual smallness of means should not necessarily imply. It is surprising to note the extraordinary lack of imagination which permits municipal authorities in so many places to have the poorest lighting in the streets where darkness is most likely to have ill effects; to compare the brightly lighted shopping areas with the furtive darkness of the poorer streets; to see the combination of poor water supply and age-grimed dwellings which make cleanliness of house and person impossible. Moreover, the ability to pay only a small rent means, as

¹ *New Oxford Dictionary.*

² Dr. Cyril Burt, *Causes of Sex Delinquency in Girls*, p. 19.

a rule, few and small rooms. The limitation of bedroom space, either because the bedrooms are too few or because some are too damp to use, results in the crowding of the family and even of the possible lodger, into accommodation which means only discomfort and lack of decency. The lack of that privacy which even primitive people as a rule connect with their most intimate relationships is an outrage to parents in these circumstances. It is well known that the premature knowledge conveyed to children often has prolonged and disastrous results; and the fact that the relationships of the parents may thus be shorn of all privacy must often have unhappy effects on their lives which will react throughout the home. Insistence on this aspect of limited accommodation is so frequent among workers who have traced the effects of an early contempt for all that touches sex, that it seems important to lay emphasis on the point here. A description of such overcrowding in Germany is given by Dr. Delbanco. "Da hausen sie zusammen mit ihren Freuden und Sorgen, der sterbende Alte neben der Mutter die ihr Kind gebiert; der fremde Schlafbursche und die fast erwachsene Tochter . . . schlafen, essen, kleiden sich auf und kleiden sich an. Worte des Hasses mischen sich unter Worte der Liebe, und alles klingt zusammen zu einer grossen Disharmonie der Zerstörung."¹ And if, in the midst of such surroundings,—with gay and brilliantly lighted shops perhaps a few streets away,—an imperative desire arises for something bright, or new, or fresh, or gay, which the back streets and the small means can never supply, there is always one way by which a girl can earn. Frequently, too, there is example at home from which she can learn, for among the many contributory causes which lead to both professional and amateur forms of prostitution is the effect of example or emulation.

LONELINESS; MONOTONY, OR OTHER WORK CONDITIONS

Many hundreds of girls who are obliged to work away from home suffer intensely from loneliness. To have nowhere special to go, no one particularly interested in her whereabouts after

¹ Dr. Delbanco, *Vor der Entscheidung*, p. 9.

work, no one to whom to confide the little budget of news—the pleasant happenings or the irritating troubles—which the day has brought her, is a hard ordeal for many a girl when first transplanted. Her sense of utter unimportance may alter her whole sense of proportion. She is at the mercy, unless very well balanced, of the first influence which may first capture her attention in the new life. The mere desire for her natural share of fun and joy and companionship leaves her open to accept invitations which seem to lead to their provision, without knowledge of what the sequel may be. It is a matter for conjecture whether thought is given by the employers of young “general” servants to the leisure of their solitary young maids. A German writer has expressed very clearly a fact which is probably not very generally recognized, namely, the solitariness of the young domestic worker compelled to live in close association with, and yet quite aloof from, an intimate family circle. “Selbst entwurzelt, leben sie zudem innerhalb eines Familienkreises, an desen Beziehungen sie jedoch im allgemeinen keinen Anteil haben, die aber das ihnen, wie jedem Menschen, eignende Anlehnungs bedurfnis im Gefühl der eignen Einsamkeit nur verstärkt.”¹ Among the many histories collected by workers in several countries, the proportion of those practising prostitution who have formerly been “domestic servants” always appears to be large in comparison with recruits from other forms of employment, which seems to indicate that isolation and the lack of a full personal life have some bearing on the problem. It is a point of view which needs consideration no less than the point of view which sees in domestic service the most obvious form of work which a certain class of girls will enter, whose ultimate career will be prostitution. This, too, is an important fact, having regard to the tendency to regard all girls as fitted to follow the employment of “domestic service.”²

There is very great monotony and drabness about the work of many girls employed in large stores, particularly in certain

¹ Dr. Hans Haustein, *Die Prostitutionsfrage* (German Press, 1925).

² See Dr. Cyril Burt, *Causes of Sex Delinquency in Girls*, p. 9.

circumstances when the girls live in hostels provided by their employers. Mr. Meyrick Booth has given a striking description of these conditions:

"The following is an accurate account of the conditions of life in one of the London stores where young women are employed: In a large hostel eighty girls live together, three in each bedroom, the average wage being about £2 per week. From this 26s. is deducted for board and insurance, leaving 14s. to pay for clothes, boots and shoes, laundry, holidays, amusements, etc. The girls must be well dressed and always polite and cheerful, or they are liable to instant dismissal. The hours are from about 9 till 6.30. The life is one of unutterable monotony. There is no social life; the girls do not even possess a social room in the hostel, which consists solely of bedrooms; and the worst day of the week is felt to be Sunday, save for those who have special friends, or connections in London. Small wonder that no small proportion of these girls find that the only way open to them of bringing some life into the drab round of their existence is by way of the 'kind young gentlemen' whom they meet as they stroll along the streets."¹

Invitations of another nature may come to the girl industrial worker where unscrupulous male superiors in office may use their powers to force them to comply with sexual demands. There is no need either to labour the point or to exaggerate. It is an event which may and does happen to girl workers controlled by male officials of a certain type, and is one which is often a first step towards promiscuity which was not taken by the girl's wish. "We have evidence that in a certain office in the city the employer seduces every typist who enters his employment."² At a time of much unemployment it takes little imagination to realize the difficulty of refusing the demands of an employer or superior officer when refusal will certainly mean loss of employment, either immediately or within a short

¹ Meyrick Booth, *Woman and Society*, p. 200.

² *Downward Paths*, p. 178. Also cp. *Vigilance Record*, January 1930, p. 29, and *Liverpool Press*, February 11, 1931.

period; and when this has once occurred, it is very usual for the girl to feel that, having once submitted, further resistance to demands is pointless.

ALCOHOL

Alcoholism and prostitution have long been closely associated. As an element in the development of promiscuity drink plays indeed a twofold part. The prelude to her first sex adventure is, very frequently, the partial intoxication of the girl. Taken when off her guard, possibly scarcely remembering what took place, she passes through the experience which may lead to her adoption of prostitution. The taking of the first step, even under circumstances depriving her of rational decisions, does seem in many cases to lead to a sort of fatalism, or a desperate feeling that by that one act her future has been decided, whether by her own choice or not.

As the accompaniment to the process of obtaining custom, drink is indispensable to a vast number of prostitutes. "Many of them drink port and cocktails deliberately, knowing what will follow." "They drink to work themselves up to it." "They take it to enable themselves to go through with it."¹ In the city with which I am best acquainted a large amount of the "picking up" of male customers is done inside various public-houses, or almost immediately after closing time when either or both parties may be in foolish or elated stages of intoxication. The League of Nations Experts' Report (No. 1) emphatically stated the relation between alcoholism and prostitution, and found that "unrestrained sale of alcohol" was one of the causes having "a direct bearing on commercialized prostitution."

ASSAULT IN CHILDHOOD

An event very frequently disclosed by professional prostitutes when discussing their past histories, is a sexual assault during childhood. More frequently it has not stopped at only one, and in many cases the father has been the man concerned.

¹ Quoted from private information from various workers.

"I have definite information of the assaulted child later developing into a common prostitute. By this I do not mean the child who has been the victim of one isolated case of assault but the child who has been corrupted by a long process of lewd practices."¹

"If you ask those elderly women on the streets you will find that in a large number of cases they have been assaulted children."²

Admitting that a proportion of these personal records are untrue, the fact is nevertheless too well known by experienced workers to be disbelieved. At the present time, I am informed by a number of witnesses, police and other, that in rural England particularly, incest is increasing, and some of these cases are I believe, assaults by the father on the young daughters.

KNOWLEDGE OF CONTRACEPTIVES

Knowledge of contraceptives has been repeatedly referred to in this book and scarcely needs further emphasis. It has been demonstrated that this knowledge, which is spread by ordinary commercial methods and available to all, has made possible a large amount of the amateur promiscuity which is advocated and practised. A worker, whose experience covers numbers of villages, described to me a talk which illustrates the fact of this widespread knowledge. When talking to an unmarried village girl of fifteen, who had unsuccessfully attempted to prevent pregnancy, the worker was told that all village boys and girls knew all about contraceptives. "Do you mean to say you talk about them?" asked the worker. "Oh no," replied the girl. "We don't *talk* about them, but we tell each other, and that's that."

MENTAL DEFECT

It must be a source of surprise to many to note the readiness with which some social workers will pronounce an individual

¹ Private evidence.

² Commandant Allen's evidence, *Youth and the Race*, p. 245.

to be mentally defective, although in no other field of medical knowledge would they profess the ability to diagnose. That a condition which requires expert training for its sure detection should be so readily pronounced upon by lay persons is in itself obviously absurd. Nevertheless, the loose employment of the odd description "mental" (by which some mental abnormality is implied) has become exceedingly common; and there are no persons to whom this description is more readily applied by social workers than to many of the girls and women who come into their hands on account of some form of "moral delinquency." It is true that a considerable number of these delinquents do actually come under official notice of some sort on account of their inability, through some mental defect, to avoid consequences or to achieve success; and among these are the mentally feeble unmarried mother, or the unsuccessful prostitute. But it is doubtful whether "mental defect" can be regarded as so frequent a cause of prostitution as many people suppose. If for the loose employment of the words "mental defect" the term "emotionally unstable"¹ were substituted, the description of such individuals would more often be correct. As it is, they are vaguely labelled "mental," found on examination by doctors to be uncertifiable, and remain a constant problem with which it is difficult to cope.

By the very nature of their mode of life, a large number of prostitutes are, as we have noted, emotional and excitable. They are usually suffering from the effects of late hours and over-much alcohol. The older and less successful are frequently very unhappy as the downward grade of their profession begins to open. The background of the wretched home or lodging-house conditions usually possessed by the professional prostitute, and the accompaniment of wind and wet, to which she often plies her trade, are likely to produce irritability or depression in the most normal person. Finally, when or if the prostitute falls into the hands of even the most kindly of men police, her reaction to male interference is often violent anger. The hysterical outbursts of many pros-

¹ Term suggested by West Lancashire Association for Mental Welfare.

titutes when "taken" by men police will often calm at once if a woman colleague can be found to take charge of her, and the impression made by the prostitute will be correspondingly different.¹

A certain proportion of prostitution of both types is without any doubt the result of mental defect. The "advantage" taken of a girl unable (in common parlance) to "look after herself" is the prelude in many cases to promiscuous living. It is well known that such girls are peculiarly liable to this form of adventure, an example of which fact may be given from the experience of a large institution for mental defectives, where it was found that the experiment of allowing a number of girls out on leave resulted in the whole number so treated becoming pregnant. The mentally dull or backward girl may, by her inability to pass successfully from girl's to woman's employment at the appropriate age, find herself apparently unemployable and turn to the streets for a living; while certain mentally defective women are so abnormally capable of sexual stimulation that their whole tendency is towards promiscuity.

TEMPERAMENTAL

Again and again, from one quarter of society or another, there comes evidence of a belief in a "prostitute type," having characteristics which lead inevitably to promiscuity. It is an important view socially, for it gives colour to the idea that prostitutes are to be regarded almost literally as the natural provision for the polygamous needs of men. This idea does in fact appear to prevail among large numbers of women as well as among many men who would not themselves patronize prostitutes.

The truth seems to be that although there is "no such thing as 'la prostituta nata,'"² there are at least three classes of

¹ Frequently, of course, a prostitute will "go quietly" with a man constable after violently resisting a woman constable. In these cases the second official, being of the opposite sex, is often successful simply by acting as a sort of foil to the officer against whom the woman's first anger was directed.

² Dr. Cyril Burt, *Causes of Sex Delinquency in Girls*, p. 16.

girls or women possessing tendencies which make them particularly prone to turn to prostitution in the absence of strong inhibition, social or personal. It seems possible to divide these groups thus: (a) individuals possessing a certain combination of characteristics certainly possessed by a large number of prostitutes and which appear to make promiscuity the most obvious course unless some counter-influence appears; (b) individuals temporarily (i.e. usually at puberty) possessed of either precocious or abnormally developed sex impulses; (c) individuals who by inheritance or some personal glandular development have what is commonly called an over-sexed constitution. The characteristics possessed by group (a) are those which are, more or less consistently, ascribed to the "typical prostitute," namely vanity, greediness, indolence. The individuals in the second and third groups are characterized by their excessive readiness to be sexually stimulated, the main difference between them being that in one group it seems to be constitutional and in the other group due to temporary physical conditions. It was individuals in these latter groups whom Dr. Friedländer clearly had in mind when he wrote, "Diese Frauen, mögen sie aus sozial-niedrigsten milieu stammen, mögen sie in Fürstenthäusern heimisch sein, kommen durch ihr Ovarium zur Prostitution."¹

Although the tendencies of those in the first and second groups may make the adoption of promiscuity an easy course, there is nothing inevitable about such a development. We have already discussed the fact that combinations of "causes," rather than any single "cause," usually operate to turn the individual towards prostitution. It is clear that the presence of some of the external and preventable circumstances, to which allusion was made earlier in this chapter, may be decisive factors in turning towards prostitution the members of the first and second groups. None of these individuals should be identified with those in group (c) who, with an apparently irrepressible sexual desire overwhelming all other instincts, are subjects only for medical supervision.

¹ Dr. Friedländer in *Sexual Reform und Sexual Wissenschaft*, p. 135.

DESIRE FOR SEX EXPERIENCE

Although the desire for experience has long been one of the secret forces driving young men in search of sex adventures, it is only recently, as has already been pointed out, that it has been avowed or claimed as a right, by women. It is unnecessary to reiterate here what has already been discussed. As a desire for experience only, it is natural that the claim should come from the young—more particularly perhaps from students, to whom experimentation is one of the most obvious of sequels to discussion and thought. It is by the more sophisticated that sexual experiences are claimed to be of recurrent value with each new partner. It seems likely that, under whichever circumstances, the first introduction leaves a readiness, and sometimes a desire, for further experiences which become actual promiscuity.

CHAPTER IV

THE MAN

COMPARATIVELY little has been written about the male aspect of promiscuity. While the woman prostitute has been made the subject of a large amount of careful study, the man has usually been left in obscurity. In saying this I am alluding, not to male prostitution as understood in police records, but to the promiscuous male partner of the promiscuous woman, without whose wish and co-operation her way of life could not continue. It seems wholly illogical to study one side only of an important social custom, each separate occurrence of which has been preceded by two individual sets of experience and requires two individuals for its achievement. Such one-sided study appears to assume that though the woman is either an interesting social phenomenon, a social menace, a pitiful sacrifice to social custom, or all three, according to the point of view of the student, the man, in his rôle of partner in promiscuity, is without interest or social significance. It must be admitted that the prostitute is more available for study; she is to a large extent a public character, while the man is a hidden and secret element in the partnership. Nevertheless, the man is as equally important a part of the problem as the woman; he has a "case to state"¹ as well as she.

When the male side of the prostitution problem is discussed, the man is regarded broadly as the instigator of a demand, to which demand prostitution is the response. By taking too comprehensive a view, sight is apt to be lost of the fact that numerous causes may lead up to that demand.

The cause generally believed in and accepted by the public is the overwhelming male need to exercise, for his health's sake, the sex function, unbalanced by any similar need on the part of women. The inevitable result of this lack of symmetry is the existence of a body of women set apart to supply that

¹ *Downward Paths*, p. 185.

overwhelming male need, though by a curiously illogical process of thought, these women, while regarded as socially necessary, are at the same time classed with social offenders. This traditional inequality of sexual need between the sexes is the foundation on which is built the system of sex commerce already discussed. Regarding the question of this overwhelming need there are two opinions, to which reference will be made later.¹ But it is quite clear that such a belief takes no account of the possible variations between individuals, and has the result of grouping all men together and representing them as making a more or less united claim for a special service; and it is—perhaps because so commonplace—scarcely noticed that this suggestion is impressed upon boys and young men so early that they have little chance to discover for themselves the facts concerning their physical necessities. As a factor in the regulation of individual behaviour social expectation is admittedly powerful, and when the pressure of this expectation is applied in early youth, the unformed mind is apt to accept it unquestioningly. "Ein grosser Teil der männlichen Jugend wird ermutigt die gewerbsmässige Prostitution zu benutzen."² It was significant that when 1,560 men and boys, representing 46 countries, met together in conference in Helsingfors in 1926, it was reported that belief in the need—for health's sake—of sex intercourse for men, prevailed very largely in the social life from which the delegates were drawn. That doctors who upheld this view were in the minority to the doctors who opposed it was also reported, but the fact remained that the general social belief which surrounded the delegates in their own towns was one which favoured sexual freedom for men.³ The suggestion that his manhood has not been asserted until he has proved himself in this way is made to the youth in the workshop and elsewhere, and he finds often enough, in the streets, that he need not necessarily take the initiative, but that opportunity is there, inviting his attention. "Taking

¹ See Chapter VI.

² Dr. Delbanco, *Vor der Entscheidung*, p. 43.

³ See *Youth faces Life*. Y.M.C.A. World's Committee Report.

prostitution and resort to prostitution as they exist in any great city to-day, three distinct factors are readily distinguished: sex impulse pure and simple; social instigation or compulsion; sheer artificial excitation."¹ "As a matter of fact, a large proportion of the males who patronize vice resorts are not driven there by any overwhelming sex desire. The excitants of the old-time 'dive' . . . prove the necessity for stimulation to produce indiscriminate sex activity."² It is probably due in part to this social instigation that postponement of marriage has a share in the promotion of prostitution. Such suggestions must obviously be powerful when operating in conjunction with the fact that a man is often economically unable to mate when physically prepared to do so.

It is a fact accepted by all who have had to deal with boys and youths in association with prostitutes that curiosity and adventurousness have played a large part in their initial—and sometimes solitary—experience. "In a vice raid which caught in its net a number of young boys from a small town, it was freely admitted that excitement and adventure were the compelling forces of the lure, the sexual act an incident merely."³ When we come to sheer experimentation in much of the amateur promiscuity, curiosity necessarily plays a leading part. "I believe that most of the sex promiscuity, particularly in young people, arises out of curiosity. . . . What tends to make young people experiment is to know what the sensation is."⁴ Closely bound up with the whole subject of curiosity and experiment is the advertisement and sale—to which reference has already been made—of literature and drugs whose display and wording in the windows of vendors of a certain type (and even on the boards of sandwichmen employed by these vendors) are calculated to stimulate artificially an interest and curiosity regarding sex affairs and possibilities. Among professional prostitutes in London (I have no evidence relating to amateurs

¹ Dr. A. Flexner, *Prostitution in Europe*, p. 47.

² J. C. Funk, *Vice and Health*, p. 60.

³ *Ibid.*, p. 59.

⁴ Rev. Monsignor Provost W. Brown's evidence, *Youth and the Race*, p. 46.

in this connection), it is a quite frequent practice to present to customers drugs known as "aphrodisiacs," procurable at "rubber shops," and similar places. It is possible that their medical efficacy is slight, but the suggestion conveyed by their implied ability to effect erotic stimulation, and the circumstances under which they are presented, probably count for a great deal in actually producing the stimulation desired.¹ Among these artificial excitants must be included alcohol, without which a considerable amount of prostitutes' custom would be reduced, and a considerable number of amateur experiments never undertaken.

But having taken into account the external causes which artificially promote the male demand, it is necessary to recognize that personal causes exist in some individuals, whereby a constant urge for satisfaction requires scarcely any external stimulus, and in some cases no external stimulus. Among these causes mental defect may be classed, although more usually it appears to develop in the direction of child assault than in promiscuity with adults. The futility of penalizing (instead of segregating and treating as abnormal) large numbers of these men each year has been repeatedly pointed out, and demonstrated by the delinquents themselves as they return again and again to the same class of offence.

Quite separate from mental degeneracy is the "over-sexedness" which exists in some men as well as in some women, though on account of the traditional public attitude towards male sexual excesses, their condition is less quickly recognized. From this cause, such men have the greatest difficulty in preserving balance and control in their lives, and many make no attempt. It is clear that external stimulation, in the way of advertised or other suggestions, must powerfully affect such individuals. But the important point to be considered at the moment is the fact that it exists *in some men only*, and that

¹ This evidence was given by London workers. It doubtless applies to many other places, particularly in view of some of the advertisements displayed. But as I have received no other evidence I can make no wider statement.

present-day research into over-activity or under-activity of various glands has made it clear that excessive activity or the reverse constitute abnormal conditions. Into the subject of investigations touching the possibility of modifying and altering such conditions it is not possible to enter.

One of the important facts about the male patronage of prostitutes is the number of married men to be found among prostitutes' customers. "Prostitutes everywhere report that their trade is in large measure financed by married men, who, weary of the indifference or antagonism of their wives, turn to public women for sympathy and gratification."¹ "Il est notoire que la très grande majorité des habituées des maisons de prostitution sont des hommes mariés."² There appear to be several reasons for this, one being the attitude towards sex intercourse adopted by some husbands, to whom it is merely a form of indulgence and whose excessive and growing demands exceed all bounds. Such husbands are a severe problem in the many cases which come within the knowledge of social workers by reason of the wreckage of womanhood they achieve in the persons of their wives. I have one record of the medical warning given to a clergyman, on the restoration of his wife after treatment for mental breakdown, that her illness had been solely caused by his excessive claim for "marital rights." All social workers who are intimately acquainted with the home life of their poorer friends, where family pleasures and interests are totally or largely non-existent, know of the countless cases where wives, even when near the birth of a child, will do anything to preserve their men from turning to the streets for the intercourse they cannot or will not forgo. On the other hand a precisely opposite cause may be found in the attitude adopted by some wives to the intimate relationships of marriage. For various reasons—innate aversion or aversion caused by shock in childhood or at marriage, from selfishness, or ignorance—a wife will maintain a cold frigidity towards an affectionate

¹ Dr. E. Houghton Hooker, *Laws of Sex*, p. 71.

² M. Veillard, *La Prostitution*, p. 8.

husband which has an incalculably bad effect on his whole life. The effect of such an attitude in some cases is found in the patronage of prostitutes, in a vain attempt to assuage the feeling of frustration and loneliness for which the wife is responsible.

The above discussion serves to show the existence of several factors in the production of the demand for the service of prostitutes. Discernible almost throughout as a unifying element is the social belief in the masculine need for sex relations, a belief which will be discussed in a later chapter. At the present time a new factor has appeared in the demand for sex relations as an important individual experience, not necessarily within marriage or confined to one person. It is not operating in the direction of an increased demand for the services of prostitutes because it is coincident with a similar desire for sex experience on the part of women.

CHAPTER V

TRAFFIC IN WOMEN AND CHILDREN

REFERENCE has already been made to the international aspect of commercial prostitution. It is an aspect with which the public has been made familiar by the League of Nations Committee on Traffic in Women and Children, and their investigations and reports on this subject in Europe, the Americas, and the Near East, and, more recently, in the Far East.

The word "traffic," used in connection with prostitution, means, as everyone is now aware, the procurement and transport of women and girls for the sexual purposes of other individuals. It is conducted on commercial lines, and an important object in the transactions is financial gain for the traffickers. The League of Nations investigators studied the questions of supply and demand, methods and sources of supply, and the extent to which the business is carried on. They used not only documentary evidence, but their personal experience gained by entrance into the "traffic" world in the guise of "traffickers." From their researches, the following facts emerged.

International "traffic" occurs on account of the demand for foreign women. This demand for foreign women arises from two causes, one cause being the "social phenomenon" of a surplus of men over women in some places, or the temporary "markets" for women provided by influx of troops or tourists; the second cause being the demand stimulated by the existence of licensed houses and vice districts with their call for variety. The second of these causes is particularly associated with the sale of drugs, obscene literature, etc., already referred to in an earlier chapter. The extent of the demand is not ascertainable in exact terms, for no figures are obtainable. But the investigators received information from reliable sources showing that many hundreds of girls and women are transported from one country to another each year, some of them being very young.

The supply appears to be drawn from four main classes of women: (1) The regular prostitute who has been the round of many "brothels" in her own country, whose earnings are decreasing, and who is led to expect improved prospects. (2) The semi-professional or "complacent" girls whose desire for excitement, finery, etc., leads them to accept the suggestions of traffickers. (3) Girls who join travelling troupes and perform in low-class cabarets, etc., whose contracts are misleading, and who find themselves unexpectedly obliged to include prostitution among their services as entertainers, or to supplement the equally unsuspected inadequacy of their salaries. (It appears that *souteneurs* are often associated with places of amusement of this nature.) (4) Girls with whom the *souteneur* goes through a real or bogus marriage ceremony, and who, being usually drawn from poor surroundings, with possibly ignorant parents, only discover the intentions of their "husbands" when far away from home. Many of the girls in this group are minors, and in groups (2) and (3) there are many young girls.

The traffickers are the third-party profiteers in the business. They include the "madames," who manage the houses of prostitution; the "*souteneurs*," who are responsible for procuring the women by some means; the "principals," who are financially interested in the "houses" and who lend money to madames and *souteneurs*; and intermediaries who aid in the procurement of the women. The traffickers play into each other's hands, advise and inform each other, and have resorts in the big cities where they meet to exchange information, etc. The purveyors of drugs, obscene literature, etc., are associated with the traffickers, and some traffickers themselves deal in drugs, photographs, etc., as well as in women.

The main traffic routes have been found to be from Europe, particularly Austria, France, Germany, Greece, Hungary, Italy, Poland, Roumania, Spain, and Turkey, to Central and South America, particularly Argentina, Brazil, Mexico, Panama, and Uruguay; and to Egypt and other places in North Africa. Methods adopted to evade enquiries and official regu-

lations are various. They include travelling by indirect routes, or by separate stages, and gaining entry into a country by clandestine methods. False documents are constantly used, such as false marriage and birth certificates, and false passports.

International co-operation has been practised for some years, in order to defeat the international activities of the traffickers, and the extent of the co-operation has increased since the League of Nations machinery made international action more possible. This co-operation is not only between Governments but between the voluntary associations of different countries, and the measures adopted to prevent the traffic are the watching of ports and stations, the protection of emigrant women and girls, the repatriation of prostitutes, the supervision of employment agencies, and the appointment of central authorities in different countries for the purpose of co-ordinating and making available information relating to actual or attempted procurement and transport of women and girls. Legislative measures include the prosecution and punishment of, "(a) any person who, in order to gratify the passions of another person, has procured, enticed or led away, even with her consent, a woman or girl under age for immoral purposes [under age is defined as meaning under the age of twenty-one]; (b) any person who, in order to gratify the passions of another person, has, by fraud or by means of violence, threats, abuse of authority or any other method of compulsion, led away a woman or girl over age for immoral purposes."¹

The Federal Government of the United States of America, though not a signatory to the agreements to which the group of nations adhere who have adopted the above legislative measures, has passed the Mann Act (aimed at inter-State traffic), and the Immigration Laws (which make it possible for some control to be exercised over the entrance of undesirable persons into the United States).

In so large an undertaking, failures in administration must

¹ League of Nations Report of the Special Body of Experts on Traffic in Women and Children, Part One, C.T.F.E., C.52. M.52. 1927. IV. p. 38.

necessarily occur at first, and measures fail in the fulfilment of their object; e.g. there appears to be delay in the transmitting of information between central authorities and the subject of the repatriation of prostitutes has been the cause of a very considerable amount of discussion. But the traffickers are already complaining of the reduction in business, and the exposure of facts is thus already showing results.

CHAPTER VI

RESULTS

PART I. RESULTS OF PROMISCUITY

So far it has been attempted to investigate the present position of the habit of promiscuity in society at the present time, and to study the personal or social conditions which appear to lead to it. The individual and social results of promiscuity now call for examination.¹ And since prostitution is held by one section of society to be necessary for the health of those who would otherwise suffer from the ill effects of unsatisfied sex demands, it is necessary to enquire what those effects may be before we can hope to achieve any fair estimate of the results of promiscuity, and to include, therefore, in this chapter some expert opinions regarding the consequences of sexual abstinence.

The almost inevitable result of promiscuity is the contraction of one or both of the venereal diseases. Dr. Flexner says, "Venereal disease is the certain harvest of any degree of promiscuity,"² and it has been one of the greatest medico-social problems for centuries, to reconcile what have appeared to be two inevitable situations, namely the demand for promiscuous sex relations and the occurrence of and attempt to prevent the infections resulting from such relations. The attempt to reconcile both situations has resulted—as a previous chapter has described—in the regulation and medical examination of prostitutes which is still continued in some countries.

The following brief account of the effects of the venereal diseases is based mainly on the findings of the Royal Commission on Venereal Diseases, with the addition of further expert opinion.

¹ See also Chapter IX.

² *Prostitution in Europe*, 1919 ed., p. 14.

SYPHILIS

- (1) Acquired.
- (2) Hereditary or congenital.

(1) *Acquired:*

(a) By actual contact with the infected individual, usually by sex intercourse, but often by contact in other ways (i.e. doctors and nurses may be infected when handling patients).

(b) By using cups, pipes, towels, etc., after an infected user, though this is probably less frequent than is sometimes suggested.

Effects

The effects may develop any time after infection "from one to thirty years or more." Any organ of the body may be attacked. Necrosis of bones, syphilitic heart disease, blindness, various nerve ailments, general paralysis of the insane, are examples of the effects of acquired syphilis.

(2) *Hereditary or Congenital:*

Infection of the unborn child may occur through a diseased mother or by infection directly from the father. The disease may develop at various intervals. A few weeks after birth the child may die of marasmus or wasting, though recovery is possible and a healthy child may result after appropriate treatment. The disease may be latent, and may cause the development of blindness, deafness, mental deficiency,¹ paralysis, etc. Three typical examples are given of syphilitic infections, one taken from *A Study of the Social Effects of Syphilis in the Family and Community*,² quoted by Miss Ettie Rout in *Two Years in Paris* (1923); one from *The Laws of Sex*³; the third quoted at the Social Hygiene Congress, 1925, by a Canadian doctor.

¹ "Syphilis is one of the outstanding causes of mental deficiency," W. A. Potts, M.D., in *Health and Empire*, December 1930.

² H. C. Solomon, M.D., and M. H. Solomon, D.S., Boston Psychopathic Hospital.

³ Dr. E. Houghton Hooker.

"*Case 14.*—Mrs. R. S. 26 years old. Had been married three years and had one little daughter 2 years old. At the commencement of the war her husband enlisted in the A.E.F. overseas. Being taught by the Government to believe in the efficacy of prophylaxis he indulged in illicit sex relations, and despite the prompt administration of prophylactics, contracted syphilis. He was placed under systematic treatment and after the war returned home presumably cured. About 10 months later Mrs. S. was delivered of a premature child which was obviously syphilitic. The husband was examined, shewed a negative Wasserman, but on lumbar puncture the presence of active syphilis was established. Meanwhile, the little girl, who had been constantly with her mother during her illness, acquired the infection. The whole family are now under treatment."

"*Case 16.*—C. infected his wife after syphilis. The first pregnancy was terminated by a miscarriage; the second child lived five weeks; the third and fourth, both boys, had congenital syphilis, were mentally deficient, had defective vision—the younger boy was also deaf. The fifth pregnancy resulted in a child who died at five weeks. The sixth was apparently normal at 11 years of age. The seventh child died at nine months. Thus seven pregnancies gave only three children, two definitely feeble minded, with defective vision and physical inferiority, and only one apparently normal."

"Husband referred to hospital, because he complained that he was unable to work on account of rheumatism. Wasserman reaction established the fact that he had syphilis. Family were therefore examined. Their condition was as follows:

	Wife—Syphilitic.		
	1st Child—Syphilitic. Partially blind and deaf.		
2nd	"	"	Deaf and dumb.
3rd	"	"	Deaf and dumb.
4th	"	"	Bone infection, and a cripple.
5th	"	"	An idiot.
6th	"	"	Mentally defective.
7th	"	"	Eighteen months. No obvious defect."

(Many similar cases could be given, but the above three records are sufficient to illustrate the persistence and the disastrous effects of syphilitic infection.)

GONORRHŒA

Acquired:

(a) By sex intercourse.

(b) By contact with infected towels, bedding, etc.

Effects

Painful affections of the generative organs of both sexes, particularly serious in the case of the woman.

Gonorrhœal ophthalmia.

Gonorrhœal rheumatism.

In addition to considering the more narrow and individual effects of the venereal diseases, the wide and very serious social results must be noted. Syphilis and gonorrhœa are responsible for the reduction of the potential population in two ways, viz. by causing sterility in both male and female, and by the causation of stillbirths as well as of infant mortality.

"An early loss of spermatogenic function occurs in the majority of cases."¹

"It [gonorrhœa] is indeed, as Sir William Osler has said, the most serious of all diseases so far as women are concerned . . . its matchless power of causing sterility places it far above all other human maladies in racial significance."²

"In women it [gonorrhœa] is a very formidable disease which may shatter the general health, and it accounts for the greater proportion of the inflammatory diseases of the uterus, ovaries, appendages, and pelvic structures requiring surgical operation."³

"Es ist die furchtbare Tragik dieser Krankheit, dass sie gerade die Nachkommenschaft so schwer schädigt. . . . In der Praxis habe ich in Deutschland Fälle erlebt von elf Todgeburten in acht Jahren und von sechs Todgeburten in acht Jahren."⁴

¹ "Lesions of Syphilis," Professor Warthin, B.M.A. Annual Meeting, 1929. (*The Lancet*, September 14, 1929.)

² Dr. E. Houghton Hooker, *Laws of Sex*, p. 204.

³ Dr. C. J. Macalister, *Dangers of Venereal Diseases*, p. 13.

⁴ Ernst von Düring, *Sexual Pedagogik*, pp. 294, 295.

The facts regarding the extent to which syphilis and gonorrhœa are causes of morbidity, mortality, and sterility are impossible fully to establish. This is partly due to the secrecy which surrounds the venereal diseases on account of their association in the public mind with "immorality," and partly to the fact that syphilis has many disguises, and that in mortality returns the ostensible cause of death is given, though its origin may have been syphilitic. But Sir William Osler, after ranking syphilis fourth among the "killing diseases," afterwards gave it first place.

The economic results of the venereal diseases are very marked. As in the case of all sickness, the social loss must be reckoned in terms of productivity as well as of actual cash spent in remedial treatment and in propaganda relating to prevention. For example, syphilis is solely responsible for the occurrence of general paralysis of the insane, and "there is an ascertained basis of 40 cases of G.P.I. per 1,000 cases of syphilis, occurring within 15 years after infection."¹ It is fairly clear that G.P.I. is likely to occur at a period of life when productivity should be at a high level, on account both of experience and of physical energy, for the majority of syphilitic infections in men are contracted during their most vigorous years. Examples of the economic loss occasioned by the venereal diseases are given in the British Social Hygiene Council Annual Report for 1929-30. For instance—information from the Chief Medical Officer of Hamburg is to the effect that "32 per cent. of the sickness benefit paid to members of the Mercantile Marine of that port was in relation to infections or conditions caused by syphilis and gonorrhœa."² From a survey of the prevalence of syphilis and gonorrhœa made by the Medical Directors of New York State, Drs. Pfeiffer and Cummings, and published in 1928, come these facts. "About one-sixth of the syphilis cases under medical treatment were among the indigent and necessitous, the treatment being wholly at public expense in State institutions. . . . The cost to the State for

¹ British Council of Social Hygiene Annual Report, 1929-30, p. 7.

² *Ibid.*

its cases of indigent syphilitics in institutions is about three-quarters of a million [dollars] while their loss in earning is estimated at four and one half millions [dollars] annually.'"¹

A survey carried out by Dr. Thomas Parran, Assistant Surgeon General, and Miss Usilton, Statistician, United States Public Health Survey, in representative areas in the United States of America containing a population of nearly 18,000,000 caused the conclusion to be drawn, "that the proportion of venereal disease infected people is some 8 per 1,000 for the white population and 11 per 1,000 for the coloured, and that in loss of wages alone syphilis accounts on the average for a half-day a year for the whole male population between fifteen and forty-five."² These figures should be reliable, for they depend on actual known cases.

One of the most serious aspects of the venereal diseases problem has been the concealment of the diseases, for as long as possible, by those infected; for it meant that hundreds of individuals moved among their fellows in a highly infectious condition. To defeat this dangerous secrecy, various countries have adopted the alternative plans of making notification and treatment compulsory, or of making attendance at remedial centres as private, easy, and comfortable as possible in order to induce patients to attend and to continue attendance. Either method connotes the provision and maintenance of premises and staff to cope with the immense numbers of the infected of both sexes and all ages, and the *International Health Year Book* records increased attendances at centres and extension of schemes and expenditure to meet the need. Inasmuch as the increased attendances indicate, not necessarily increased new infections but also increased readiness on the part of the infected to present themselves for treatment, the records do, to this extent, convey news which is definitely good.

These references to the venereal disease campaign in different countries are necessarily brief, since this chapter purports to give, not a detailed account of venereal disease, but the results

¹ British Council of Social Hygiene Annual Report, 1929-30, p. 7.

² Ibid.

of promiscuity. In alluding to venereal disease as a result of promiscuity, it is necessary to face two possible challenges: Are the venereal diseases inevitable results of promiscuity? Are they attributable only to promiscuity? In reply to the first question it may be said at once that venereal disease is not the inevitable sequel to promiscuity. Prophylactic treatment, following immediately after the risk of infection has been incurred, may be, and in many cases is, completely successful. But it must be added that no prophylactic treatment is absolutely reliable, and is least likely to be so when undertaken by the infected individual without expert guidance. A considerable amount of advocacy is given to the idea of "self-prophylaxis" and successful results of the war-time distribution of "prophylactic packets" have been freely cited. But this system has been used in the armies and navies of several countries (including Great Britain) for a number of years, with full opportunity of improving and perfecting methods, without that decrease in venereal disease incidence which the free use of self-prophylaxis is held by its protagonists to effect. And it may be argued that if chemical prophylaxis is not particularly successful in the Army and Navy, where personal instruction is possible, it is still less likely to be efficacious when employed by civilians, of whom a percentage would certainly be intoxicated, or partially under the influence of intoxicants. With regard to the reliability of the prophylactics themselves, I am permitted to quote the following comment by a well-known medical authority on the venereal diseases: "No scientific body, even the Medical Research Council with all its resources, will accept the task of making a formula for a disinfectant which it can vouch for as a trustworthy prophylactic of V.D., and the multitude of formulæ employed in commercial prophylactics is a sufficient comment on the diversity of views on the question." Ample confirmation is given to the statement that there is no reliable prophylactic of venereal disease by the fact that it is frequently found that infection follows, notwithstanding prompt prophylactic treatment.

With regard to the second question, whether the venereal diseases are attributable only to promiscuity, it has already been shown that venereal infections may occur in some of the ways in which other infections may occur, namely by contact with an infected individual or with infected clothing, etc. But "somewhere in the history of each venereal infection will be found an act of promiscuity as its origin."¹ "Behind these diseases, and forming for practical purposes their sole source, is the practice of sexual promiscuity."² "The epidemiology of venereal disease shows that the breeding ground of the spirochete and the gonococcus lies in sexual promiscuity."³ "The ultimate source of disease in this country is prostitution and casual sex relationships."⁴ These promiscuous acts are not necessarily with professional prostitutes (some of whom appear to be immune for varying periods).⁵ For example, "In 3,590 consecutive cases, 1,070 were infected in Liverpool, and one-third of these were infected by amateurs. London was responsible for 139 (21 being amateur infections) and the other home ports for 383 (78 being amateur infections)."⁶ It is possible that the number of amateur infections was even higher than given. When either partner is promiscuous in habit, whether professional or amateur, the possibility of infection must obviously always be present; but the professional prostitute is both more readily blamed and suspected.

¹ Private letter from Official.

² Sir A. Newsholme, *Moral Aspects of V.D.*, p. 2.

³ Dr. E. Houghton Hooker, *Laws of Sex*, p. 15.

⁴ Dr. E. Keyes, *Social Hygiene Journal*, October 1930.

⁵ See Colonel L. W. Harrison, "Experimental Researches in Syphilis," *British Journal of Venereal Disease*, July 1929, pp. 175, 176.

⁶ A. O. Ross, M.A., "The Problem of the Treatment of V.D. in the Mercantile Marine," *British Journal of Venereal Disease*, July 1929, p. 215.

PART II. RESULTS OF SEXUAL ABSTINENCE

Obviously the custom of promiscuity is socially costly. But male promiscuity has been advocated and practised for centuries as a necessary concession to imperative sex needs, and there is therefore every justification for believing that failure to meet those needs must be at least as socially harmful as the possible and far-reaching results of promiscuity. Admittedly the demand is augmented by commercialized and other forms of suggestion; but the problem has now been enlarged by the inclusion of women in the field of speculation regarding the relation of neurosis to unsatisfied sex feeling. The matter is of additional moment at the present time, when economic considerations tend to lower the marriage rate. In order to estimate the social consequences of sexual abstinence, some of the medical and biological opinions on its physical and mental results must be reviewed.

In the Annual Oration delivered before the Medical Society of London in May 1923 (after referring to those who recommend continence as "usually either elderly folk who have probably forgotten that they ever had sex instincts, or worthy ladies who perhaps never developed them, or ecclesiastically minded celibates"), Dr. Walter Carr, F.R.C.P., put this question to his audience: "Is it not a fact that self-repression, particularly sex repression, may give rise to a great variety of nervous disorders and be responsible for a vast amount of illness and inefficiency?" In a recent book Mr. Kenneth Walker, F.R.C.S., says: "It would seem reasonable to presume that the reproductive function and reproductive glands, like other functions of the body, suffer from disuse, and benefit by moderate exercise. It is difficult to understand how a function that plays so important a part in human life can be laid aside indefinitely with impunity, merely because its use happens to be inconvenient."¹ "As doctors we are continually meeting in the consulting room the casualties that mark the

¹ From *Male Disorders of Sex*, K. Walker, F.R.C.S., quoted by Douglas White, M.D., in *The Shield*, November 1930.

fight between natural instincts and morality."¹ "The struggle to remain chaste, whilst it may be the means of developing will and character in some, is only too likely to be a source of ill health and neurosis in others."²

"It is the fashion to talk glibly of the need for the . . . control of sexual passion and so forth. Such demands are made by women and addressed to man as a perverted creature, as an abnormal product of civilization. The fact is that woman's sexuality is on quite a different plane to that of man's; she is wholly ignorant, as a rule, of man's normal requirements, and her virtuous demands . . . are opposed to natural law."³

Many similar pronouncements might be quoted on the subject of the pathological consequences of sex repression. Pre-eminent, and certainly best known by the public, is Freud's tracing of the causation of many neuroses and neurotic manifestations to repressed erotic experiences or desires. On the interpretation placed upon his statements is founded a great part of the present-day claim for freedom to pursue sex adventures.

Ranged against those who hold a general view that sexual abstinence is harmful are many doctors and psychologists, some of whom must be quoted.

"A strong man can live, and live well, without love,⁴ and without any indulgence of the sexual tendency. The latter may cause him some uneasiness at times, but not to a serious extent, if he is not afraid of it."⁵ "There is not a shadow of proof to show that continence is damaging to health. To the continent, continence becomes progressively easier."⁶ "Recent medical literature abounds in strong and authoritative expressions utterly at variance with the traditional position. Cases

¹ From *Male Disorders of Sex*, K. Walker, F.R.C.S., quoted by Douglas White, M.D., in *The Shield*, November 1930.

² Ibid.

³ *Sex Antagonism*, Walter Heape, quoted by Thomson and Geddes in *Sex*, p. 191.

⁴ From the context, the writer is referring to "sex love."

⁵ W. McDougall, *Character and the Conduct of Life*, p. 221.

⁶ M. von Gruber, *Die Prostitution*, p. 40, quoted by Dr. Flexner.

of irrepressible desire are stamped as pathological, rather than normal; as relatively rare rather than usual or frequent. Continence is, in general, increasingly regarded as both feasible and wholesome."¹

The two statements given below are signed as the considered opinion of a group of medical and psychological experts:

"There is no evidence either from physiology or from experience that for the unmarried sexual intercourse is a necessity for the maintenance of physical health."

"There is no evidence either from psychology or from experience that for the unmarried sexual intercourse is a necessity for the maintenance of mental health."²

The signatories include such well-known physicians as Sir Thomas Barlow, Lady Barrett, Dr. C. J. Macalister, Sir Francis Champneys, Sir Arthur Newsholme, three psychologists of equally wide reputation, Dr. Cyril Burt, Dr. Crichton-Miller, and Mr. J. A. Hadfield, and many other well-known thinkers, though reference is made above by name only to those with medical and psychological experience. Referring to this statement in *The Shield*, November 1930, Dr. Douglas White wrote: "It appears to me that the general statement is justified, that 'there is no evidence that for the unmarried sexual intercourse is a necessity for the maintenance of physical or mental health.'"³

To array in opposing ranks two sets of opinions, and to leave them at that, would seem a somewhat useless proceeding. Moreover, the two sets of opinion are possibly not so entirely irreconcilable as might at first appear. Those of the second group, who deny that sexual intercourse is necessary for the health of the unmarried, would probably agree with Mr. Kenneth Walker's references to the "ill-health and neurosis" which attend, in numerous cases, "the struggle to remain

¹ Dr. A. Flexner, *Prostitution in Europe*, p. 49.

² *Statement on Continence in relation to Social Hygiene*, published by the British Social Hygiene Council in 1927.

³ *The Shield*, November 1930, p. 217.

chaste." There are doubtless hundreds of such cases (and I am not including the abnormal) where the struggle to suppress strong sex instinct is a constant strain. But (again excluding the abnormal) the struggle may often be largely caused by a wrong idea of the sex instinct; by the idea, namely, that it is something base, to be suppressed, coupled with a complete failure to perceive anything but its physical aspects. Accompanying this attitude there is apt to be a tormenting fear of this powerful urge, which appears to be intensified rather than subdued by the most valiant attempts to refuse it recognition. Discussing the subject of abstinence, a mental specialist told me that although a perfectly healthy life is possible for both men and women, with complete absence of sexual relations, he constantly found mental disturbance in both men and women, caused by their refusal to recognize their possession of normal sex impulses. Additional disturbance was caused by the entirely physical trend of their conception of sex. They were acutely afraid of sex, and refused to acknowledge its presence. The morbid idea that the sex instinct is degrading, and the exaggerations and fears which necessarily accompany such a view, are clearly the real cause of some of the neuroses ascribed to sexual abstinence. Probably even more frequent cause may be found in half-hearted surface repression conflicting with the real wish: "Sind diese Menschen wirklich harmonisch, d.h. siegen sie wirklich, dann leiden sie nicht unter der Askese, sie bleiben gesund."¹ Dr. Douglas White speaks of "the dallying with it and failing to leave it behind, so that it remains alive beneath the surface."² "We can refrain from outward acts but still burn with hunger to do them."³ Such a situation must inevitably produce intense and damaging conflict within the individual, and until these possibilities have been excluded, in addition to the possibility of repressions following shock or wrong instruction in childhood, it cannot justifiably be claimed that neurosis is necessarily or invariably

¹ Ernst von Düring, *Sexual Pedagogik*, p. 173.

² "Is Sexual Abstinence Harmful?" *The Shield*, November 1930.

³ H. Neumann, *Modern Youth and Marriage*, p. 68.

the result of the abstinence itself. To say this is not to deny that abstinence in itself may cause suffering to some individuals, for individual reasons.

Another point which needs discussion is the subject of the function of the sex glands, and their importance to the individual. It is commonly assumed that unmated individuals have not, in a sense, functioned normally. In a sense this is true, because they have not been called upon to employ the sex instinct for the mating purpose. It does not mean that they do not use the sex instinct, nor that the sex glands are not called upon to function normally. As Dr. Douglas White has pointed out,¹ the sex glands in both men and women perform functions related to individual development and power in addition to their function in relation to mating, and this functioning affects the whole personality continually, whether their function for mating purposes is called into play or not. We cannot, in fact, take our places in the world as normal individuals unless the sex glands in common with the other glands are functioning normally. "The personality is incomplete without the quota of sex."² If this be true, there is either (a) a prodigal waste of sexual power if the "mating" function is not exercised, or (b) there are uses for the sex power other than for "mating" purposes. In Chapter IX this point will be discussed.

¹ Loc. cit.

² I. Geikie Cobb, M.D., *The Glands of Destiny*, p. 105.

CHAPTER VII

LAWS RELATING TO PROSTITUTION

THE history of prostitution makes it apparent that prostitution has always been accompanied by regulations or legislation set up for the purpose of keeping the practice within certain bounds. To go beyond these bounds was to offend—not necessarily the social sense of decency and good order—but certainly against those ideals of good order held by the ruling powers of the period to be essential to public well-being.

The study of such legislation possesses social as well as historical value, but to carry out a review on a large scale would be outside the scope of this book. It is proposed, therefore, to study such legislation only with reference to the last thirty years, in relation to those countries dealt with in Chapter II. A study of such a nature must necessarily open with a statement of the prostitution legislation in force at the beginning of the period under review, and it is impossible to proceed without first referring briefly to certain events in England in the nineteenth century, which were responsible for a part of this legislation.

GREAT BRITAIN

The events referred to above were, briefly, Josephine Butler's campaign in England against the "Contagious Diseases" Acts; her public exposure of the traffic in young girls and women between England and the Continent for prostitution purposes (her exposure being founded on the investigations and report in 1881 of two Quakers, Alfred Dyer and George Gillett); and certain articles in the *Pall Mall Gazette* in 1885 by W. T. Stead.¹ Josephine Butler achieved the removal from the statute book of the "Contagious Diseases" Acts, the only attempt at regulation of prostitution ever made in England.² Her exposure

¹ *Maiden Tribute to Modern Babylon.*

² With the exception of the short-lived "Regulation 40 d" of 1918, *v. infra.*

of the traffic in women and girls, followed by the Stead articles (which were based on his personal investigations) resulted in the passing of the Criminal Law Amendment Act in 1885.¹ Before the passing of this Act, the sole reference in English law to the protection of little girls from sexual assault was the Offences against the Person Act of 1875 (38 and 39 Vic., c. 94), making it a felony (section 3), punishable on conviction by a maximum penalty of penal servitude for life, to have "carnal knowledge" of a girl under twelve years of age, and a misdemeanour (section 4), punishable by a maximum penalty of two years' imprisonment, to have "carnal knowledge" of a girl over twelve and under thirteen years of age "whether with or without her consent." The 1885 Act raised the age of consent by three years. As this Act signaled a change of great importance in English legislation, and powerfully affected legislation elsewhere, a special note must be made of its provisions.

In sections 2 and 3 the Act deals with the offence of procuration for immoral purposes, section 3 referring to the use of "threats or intimidation," of "false pretences or false representations," and to the administering of drugs or other matter for the stupefying of the victim. Section 4 deals with the "carnal knowledge" or "attempted carnal knowledge" of girls under thirteen years of age (a felony if the act is committed, a misdemeanour if attempted). Section 5 protects girls between thirteen and sixteen, and idiot or imbecile women. In sections 6 to 12 a large amount of detail is included: the detention of girls over eighteen, or their removal from parental or other lawful guardianship, for immoral purposes; the offence of connivance, by parents or guardians, at the seduction or prostitution of their children or wards; the withholding of clothing from girls in order to compel them to remain on premises for immoral purposes. Section 13 covers the keeping of a brothel, or of knowingly permitting premises to be used as a brothel or for "habitual prostitution."

This Act marks an important stage in English legislation

¹ 48 and 49 Vic., c. 69.

relating to prostitution. Firstly, by its recognition of the fact of the transportation of women and girls for prostitution purposes. Hitherto the law had only recognized as a third-party profiteer the individual who kept or occupied a brothel or "bawdy house"¹; the new Act recognized the wider developments of these third-party interests. Secondly, by raising the "age of consent," it sought to prevent the use of ignorant children for prostitution purposes. By simultaneously raising the age below which children were protected against "carnal knowledge" by a possible penalty of imprisonment for life, and by penalizing parents and guardians who favoured such seduction or prostitution, legal protection was extended to ages covering roughly the emergence from childhood to girlhood. It was very necessary to make provision for the defence which the accused might offer when charged under sections 5, 6, and 7, and such a defence was provided in the sections named, but it must be observed that the offence is, in any case, often difficult to prove, owing to the natural difficulty experienced by young children in giving evidence, and large numbers of such offences are never brought home to the alleged offenders. This Act, with certain alterations and additions made by amending Acts (to be referred to shortly), is in force at the present time. The effect which it has had on legislation will be noted in due course.

In addition to the important Act just described, the prostitution legislation in force at the opening of the period under review was as follows. The Vagrancy Act of 1824, section 3, referring to common prostitutes "behaving in a riotous or indecent manner" in public places. The Town Police Clauses Act of 1847, section 28, referring to common prostitutes "loitering and importuning passengers for the purpose of prostitution." The Metropolitan Police Act, 1839, section 11, relating to common prostitutes "loitering or being in" thorough-

¹ *v.* 25 Geo. II, 1752, c. 36, ss. 5 to 10; Prevention of Crimes Act, 1871, 34 and 35 Vic., c. 112, s. 11; Town Police Clauses Act, 1847, 10 and 11 Vic., c. 89, s. XXXV; Towns Improvement (Ireland) Act, 1854, 17 and 18 Vic., c. 103, s. LXXIV.

fares, etc., "for the purpose of prostitution" to the annoyance of passengers. "An Act for the preservation of Peace and Good Order in the Universities of England, 1825" (in force in Oxford), section 3 relating to common prostitutes found in University precincts and unable to give a satisfactory account of themselves. The Burgh Police (Scotland) Act, 1892. Subsection 23 of section 381 of this Act is of special interest, as applying definitely to the soliciting of women, being the only reference to this offence in British legislation. Section 403 also requires notice, on account of its provision of the right to search, on warrant by a magistrate, "a house reasonably suspected to be used as a brothel." Finally, the Vagrancy Act, 1898, which introduces a penalty for the offence, by a male person, of living on the earnings of a prostitute (section 1, subsection (a)). The whole of this legislation is in force at the present time.

Since 1900, a considerable amount of legislation, dealing directly or indirectly with prostitution, has been enacted. These Acts will be given in chronological order.

The Immoral Traffic (Scotland) Act, 1902 (2 Ed. VII, c. 11) resembles the 1898 Vagrancy Act by inflicting a penalty of three months' imprisonment for "persistent soliciting" and for "knowingly living on the earnings of prostitution" by a male, and has a paragraph similar to section 403 of the Burgh Police (Scotland) Act, with reference to suspected brothels.

The Aliens Act, 1905 (5 Ed. VII, c. 13) refers briefly to prostitution by providing for the expulsion of any alien convicted of an offence under paragraph 22 or 23 of section 381 of the Burgh Police (Scotland) Act, 1892, or of an offence as a prostitute under section 72 of the Towns Improvement (Ireland) Act, 1854 (17 and 18 Vic., c. 103), or paragraph 11 of section 54 of the Metropolitan Police Act, 1839.

The Children Act, 1908 (8 Ed. VII, c. 67) is one of the most important pieces of legislation of this period. Amongst those of its sections which deal with the protection of children and young people are three which refer specifically to their exposure to the risk of seduction or prostitution. The Act excludes them from brothels and from the company of "any

common or reputed prostitute" but provides an exception (in section 58) in the case of children under fourteen living with a prostitute mother, if the latter "exercises proper guardianship and due care to protect the child from contamination."

The Licensing Consolidation Act, 1910 (10 Ed. VII and 1 Geo. V, c. 24), contains important references to prostitutes in sections 76 and 78, prohibiting the licensee from "knowingly permitting" his premises to be the "habitual resort" of reputed prostitutes, or from allowing his premises "to be a brothel." The licensee is considerably protected by the need to prove that he knows the character of his prostitute customers, in addition to permitting them to make his premises a habitual resort. Cases are on record, however, where managers of refreshment premises have refused permission to any women, unless accompanied by men, the supposed reason being dread of a charge under section 76.

In 1912 a new Criminal Law Amendment Act (2 and 3 Geo. V, c. 20) made important alterations and additions to the C.L.A. Act of 1885 and the Vagrancy Act of 1898, the chief alteration being as follows. In paragraphs 3 and 4 of the C.L.A. Act of 1885 the words "or frequent" are to be inserted after "an inmate of," "wherever these words occur." The paragraphs in question refer to the procurement of any woman or girl to "become an inmate of a brothel elsewhere" or of a brothel "within or without the Queen's dominions." These paragraphs are therefore strengthened by the new additions. This 1912 Act, it will be seen, also altered the Vagrancy Act of 1898, and the Immoral Traffic (Scotland) Act of 1902 in respect of the evidence concerning males suspected to be living on the earnings of a prostitute, so as to cover also men found to be "aiding, abetting or compelling" prostitution.

With the Mental Deficiency Act of 1913 (3 and 4 Geo. V, c. 28) we have a wide extension of the protection afforded mentally deficient women and girls by paragraph 2 of section 5 of the Criminal Law Amendment Act of 1885.

In 1915 came an Act, the Clubs (Temporary Provisions) Act (5 and 6 Geo. V, c. 84), the second section of which resembles

in intention section 76 of the 1910 Licensing Consolidation Act, by prohibiting the use of club premises for the habitual resort of prostitutes. This Act (as the date and title indicate) was a war-time measure,¹ and contains specific reference to members of the Army and Navy.

The next piece of legislation affecting prostitution was the short-lived Regulation 40 *d* already referred to, which was added to the Defence of the Realm Act by Order in Council, March 22, 1918. This regulation made it possible for a woman to be compulsorily subjected to medical examination on the accusation by a member of H.M. Forces that he had been infected with venereal disease. Though it was applicable to any woman, on denunciation, this order reintroduced, in effect, the compulsory examination of prostitutes which had been rejected by English law. It proved so unpopular that it was revoked after having been in force for eight months.

The last statute to which reference must be made is the Criminal Law Amendment Act of 1922 (12 and 13 Geo. V, c. 56). By this Act, an important change was made in the defence allowed under sections 5 and 6 of the 1885 C.L.A. Act. "Reasonable cause to believe that a girl was of or above the age of sixteen" is no longer a defence, except in the case of a man of twenty-three years of age or under, and in his case only on the first occasion on which a charge of this nature is brought against him. (This defence permitted to a man of twenty-three is not included in the C.L.A. Act, 1923, of Northern Ireland (13 and 14 Geo. V, c. 8).) By section 3, the Act increases the penalty for brothel keepers from the £20 fine or three months' imprisonment for a first offence, and the £40 fine or four months' imprisonment for second and subsequent offences of the 1885 C.L.A. Act,² to a £100 fine or three months' imprisonment and a £250 fine or six months' imprisonment for first and second offences respectively.

Before closing this brief résumé of recent and existing

¹ v. s. 7, subsec. 3: "This Act shall remain in force during the continuance of the present war."

² s. 13, subsecs. 1 and 2.

British prostitution legislation an important decision of the Appellate Court must be recorded. I refer to the decision in what was described in the Press as the "Fen Ditton Case." Such case law is an integral part of the English legislative system, the function of English judges being interpretive as well as judicial. "Statutes do not interpret themselves; their meaning is declared by the courts, and it is with the meaning declared by the courts and with no other meaning, that they are imposed upon the community as law."¹

The decision in the case here recorded refers to the interpretation of section 13 of the Criminal Law Amendment Act of 1885.² The history of the appeal is, briefly, as follows: The Cambridge police brought an action against Mrs. W. under section 13(2) of the C.L.A. Act, 1885. The Bottisham Police Court magistrates "reluctantly" declined to convict, being of opinion that the law did not permit, on the evidence which was presented. The Cambridgeshire police appealed in the King's Bench Division, the appeal was heard in December 1930, and was allowed. The point established by the decision of the learned judges was, that it is not necessary to prove that premises are used by "professional prostitutes," nor that the proprietor made profit out of the prostitution of customers, in order to establish that the premises are a brothel. A previous decision of 1882 (Mr. Justice Grove) was quoted and accepted: "What needs only to be proved is this, namely, that the premises were kept knowingly for the purpose of people having illicit sexual connections there."³

The attitude of English law to prostitution may be summed up briefly. English law takes no cognizance of prostitution as such. It punishes only certain offences associated with prostitution. The severest penalties are attached to procuration or rape (particularly of the young or incapable) and to all forms of exploitation for immoral purposes. Prostitution itself, as between prostitutes and customers, is punished only if the

¹ J. C. Gray, *The Nature and Sources of the Law*, p. 170.

² *v. supra.*

³ 46 J.P. 312, 313.

process of obtaining custom is supposed to be likely to offend members of the public. Laws respecting this class of offence have remained unaltered for many years.

FRANCE

It has already been stated that prostitution is dealt with in France under the system of police regulation. But although it is true to say that France has no legislation for the control of prostitution, this is not to say that there are no laws in France relating to prostitution. There are such laws. And it is proposed, in this chapter, to describe these laws, and to study the legal position of the regulation system itself.

Since the inauguration of the Code Napoléon in 1808, French law has been codified. The laws relating to prostitution occur in the Code Pénal, and a considerable number of these laws are founded on the two laws of, respectively, 1810 and 1885, several of them consisting of additions and alterations to these two important laws.

The law of 1810 penalized those who should habitually "excite, favour, or facilitate" the "debauch" of individuals of either sex under twenty-one years of age, the penalty being increased if the offenders were the parents or guardians of those so "debauched." In 1903, important alterations were made to the 1810 law, by the addition of certain new paragraphs. The first of these new paragraphs (forming the second and third paragraphs of the new 1903 law) deals with the "procuring, enticing, or leading away" of (*a*) minor girls, (*b*) girls and women of full age by means of fraud or threats, for the purpose of gratifying the passions of a third person. The third paragraph penalizes the forcible detention in a brothel of any woman, even for debt. Another 1903 addition altered the 1885 law by defining and penalizing the *souteneur*. The whole of this new law had an important influence on the legislation of other countries; and the first two paragraphs of the new portion are the basis of the first two articles of the 1910 International Convention for the Suppression of White Slave Traffic. A

further addition to this law was made in December 1922, by which the penalties for the different offences referred to in the law are "pronounced," notwithstanding the fact that the several offences may have been committed in different countries. By these sections it will be seen that the law was strengthened to deal with White Slave Traffic. The whole law forms Article 334 of the French Penal Code.

The next important morals law, which deals with the prostitution of minors, was enacted in 1908. It bears marked resemblance to the German "Fürsorgegesetz," which preceded it by eight years. It refers to minor girls of eighteen who habitually resort to prostitution (Article 1), or to debauchery (Article 2), and provides for their detention in establishments organized to effect their reformation.

In 1916 a fresh alteration was made in the law of May 1885, referring to *souteneurs*, making the penalty not less than two years' imprisonment if the *souteneur* had (*a*) aided, assisted, or protected the prostitution of a minor, (*b*) had used coercion or had carried arms. A law was passed in October 1917, prohibiting the keepers of refreshment houses, *cabaraters*, etc., from habitually employing or receiving "*femmes de débauche*" on their premises for the purpose of prostitution.

A "vagabond" law relating to minors was passed in March 1921. No reference to the sex of the offender is made, but "minors" of eighteen are regarded and punished as vagabonds, if living under certain conditions which include spending their resources "*de la débauche ou de métiers prohibés.*"

With the exception of the three laws dealing with *souteneurs* and with the owners of refreshment houses, French "morals" laws since 1900 have dealt with the protection of minors. But evidence tends to prove that wherever the regulation system of licensed houses is preserved, this protective legislation is defeated by the demand for youthful prostitutes which is stimulated by the very existence of the licensed houses.

The regulation system, which has already been described in an earlier chapter, was established in France in 1802, and has been practised ever since. It is permissive in character, i.e.

soliciting for prostitute purposes is punishable only if practised by certain women in certain places. It is not penalized if practised by registered prostitutes in permitted areas. This control is carried out by special police known as "police des mœurs" under the control of the Prefect of Police in Paris, and elsewhere under the authority of the local Mayor. The police authority is very complete; arrested women are brought to the morals bureau for judgment, and there receive sentence, on the evidence of the police who make the arrests. Summary sentence of imprisonment may be passed on the unregistered or clandestine prostitute for the fact that, being unregistered by the police, she is practising prostitution; while the registered prostitute may be punished for not adhering strictly to the permitted hours or places indicated on her "carte."

The legality of these arbitrary "arrestations" has been questioned. Referring to Paris, one writer states: "Elles (i.e. les arrestations) ont lieu en vertu des anciennes ordonnances, surtout de celle de 1684."¹ By this "ordonnance," it must be observed, a right to take certain action was conferred by a sovereign on an individual holding a particular office,² which office no longer exists. Regarding control by the municipal authority, M. Boiron writes: "Les pouvoirs de l'autorité municipale en matière de prostitution reposent sur des bases multipliées (décrets du décembre 1789, août 1790, juillet 1791, juillet 1837.)"³

Reference to the first three of these "décrets" makes it appear that the municipal authorities who apply regulation to their prostitution problems do so on the grounds that peace, health, and good order are thereby provided for the public.

It will be recognized that the professional prostitute is only indirectly touched by the law of France, i.e. she is subject to police domination by reason of the 1684 law, the Loi Municipale, and the ordinance just noted, which have been so interpreted

¹ J. Alzac, *Repression de la provocation publique à la débauche* (Thèse pour doctorat), 1914, p. 58.

² viz. "Lieutenant de Police."

³ N. M. Boiron, *La Prostitution*, pp. 90, 91.

as to give the authorities supreme control over her; the right to punish her being derived from Article 471 of the Penal Code. But as the penalty under Article 471 is incurred solely by "those who shall have contravened the regulations . . . of the administrative authority," the prostitute becomes liable to a penalty of fine or imprisonment for the reason already cited, namely, that being inscribed, she practises her trade in places or at times prohibited by the police, or, being uninscribed, practises prostitution at all. Article 471 itself refers to the *Loi des 16-20 août, 1790*, dealing with the objects of police vigilance, one of which is the maintenance of "good order." We arrive, therefore, at a "public order" attitude on the part of the authorities, but with the important feature in the French system, that no outside judgment comes between the arrested woman and the police accusation and penalty. It has been suggested by one writer¹ that this system renders the authorities themselves liable to penalty under Articles 114 and 341 of the Penal Code. These Articles refer to arbitrary action on the part of public officials (Article 114) and to those who arrest, detain, or "put away" any person whatsoever, without order of the constituted authority (Article 341). It appears to have been stated, furthermore, with reference to the "préfet de police," that "il ne lui appartient pas de créer un tribunal administratif appelé à exercer une véritable juridiction et à prononcer des peines."² It would be interesting to establish the position. It seems probable that the legal basis on which these actions are founded is at least insecure.

GERMANY

In Chapter II brief reference was made to the system of regulation of prostitution formerly maintained in Germany. These regulations were based on Article 361 of the Penal Code, 1876, which penalized "women who, being subject as prostitutes

¹ J. Alzac, *Répression de la provocation publique à la débauche*, pp. 58, 59.

² Cons. d'Etat, 2 juin, 1911, quoted by N. M. Boiron, *La Prostitution*, p. 112.

to police supervision, should violate the police rules established in the interests of hygiene, public order, and well-being; or who, without being subject to police supervision, should practise prostitution." It has already been stated that these regulations were in force until 1927.

In July 1900, a Prussian law was passed for the protection of minors (*Fürsorgegesetz*). It applied to children and young persons under eighteen years of age, but the care or oversight which might be established by its application could be extended up to the age of twenty-one years. In serious cases the children or young persons might be placed (interned) in institutions. In less serious cases they might be placed in families who would be responsible for their welfare.¹

Two Prussian laws in 1905 (dated respectively August 28th and October 7th) legislated specifically for prostitutes with reference to venereal disease. But there appears to have arisen an uncomfortable feeling that all these police regulations were "not in harmony with the law protecting individual liberty"² and in December 1907 it was sought by a new law to reduce the restrictions applied to prostitutes.

In 1927 Germany took the decisive step already described, and swept away the whole system of regulation, replacing it by a law definitely described as a law for the combating of venereal disease.³ Only in one section is reference made to prostitution. This is section 16, which replaces the old Article 361 of the Penal Code of 1876. No one may practise prostitution in the neighbourhood of churches or schools or in a house inhabited by children or young persons between the ages of three years and eighteen years; nor must it be practised openly, nor in an offensive way. Regulations respecting venereal disease infection no longer apply to prostitutes as such but to any person.

Under the Penal Code offences relating to prostitution are dealt with as follows: A penalty of not less than ten years'

¹ This law is no longer in force.

² Private information from legal source (Germany).

³ *Gesetz zur Bekämpfung der Geschlechtskrankheiten.*

imprisonment is incurred by anyone who commits offences under the three Articles given below:—Indecent acts or inducement to their committal with persons under fourteen years of age; or illicit sex relations with a mentally deranged woman (Article 176). Taking a minor by force, threats or fraud from the guardianship of parents or custodian, with the object of using the minor for immoral purposes (Article 235). Abducting a female person for immoral purposes, by force, threats, or trickery (Article 236).

A penalty of five years' imprisonment attaches to procuration for immoral purposes if the procurer is parent, husband, guardian, or instructor of the victim, or if procuration is achieved by means of fraud (Article 181). A similar penalty is incurred by guardians, foster-parents, or instructors, who practise indecent behaviour with wards, foster-children, or pupils (Article 174). Any person who habitually, or for his own gain, assists immorality, by acting as go-between, or by providing opportunity, may be punished as a procurer; included in this offence is the keeping of a brothel or anything of the nature of a brothel, and the provision of accommodation for anyone under the age of eighteen with the knowledge that such person is to be exploited for immoral purposes; the penalty is imprisonment for not less than one month, with the possible addition of a fine, police supervision, and loss of civic rights (Article 180).

A male person living on the earnings of prostitution is punishable by one month's imprisonment, except when he is the woman's husband or has compelled her prostitution by force or threats, when the imprisonment is for not less than one year, with the possible addition of police supervision and loss of civic rights (Article 181(a)). Imprisonment for not less than one year may be inflicted for the seduction of a "chaste" girl under sixteen years of age (Article 182).

The above summary will serve to show that the present German "morals" legislation inflicts the heaviest penalties for offences against the young or helpless, or committed by means of misuse

of authority or the employment of threats or force. Prostitution is an offence if practised in such situation or fashion as to be harmful to the young, or offensively obvious to the public.

UNITED STATES OF AMERICA

United States legislation is based on a dual system; which is to say, that laws are enacted by each several State as well as by the Federal Government. But although "the machinery, judicial and executive, for administering these two bodies of law is completely duplicated throughout the whole of the United States,"¹ this does not denote identity of purpose or achievement. The competence of each State to legislate is confined to its own internal affairs; the Federal Government legislates in international affairs and against certain offences,² and exercises a judicial power, where necessary, in case of inter-State disputes, in controversies between any State and an external power, and in all those cases provided for in section 2 of Article III of the Constitution.

The legislative powers of Congress defined by the Constitution do not cover "public morals"; in order to achieve legislation of a national character in this direction it is possible only to utilize the "enumerated powers" of the Federal Government. And it is by the power to regulate commerce, to levy taxes, and to control the postal system, that Congress is able to enact laws against traffickers in women and children and the purveyors of drugs and of obscene literature.³

Each State has its own Criminal Code, and State legislation is based on the English law which the early English colonists took with them to America. A study of some of this legislation reveals, in some cases, the preservation of the identical wording of the English originals; in other cases the original intention

¹ H. A. Smith, *Federalism in North America*, p. 11.

² i.e. offences against Federal laws.

³ See *Studies in the Police Powers of the National Government*, Robert E. Cushman. Reprinted from the *Minnesota Law Review*, 1919 and 1920.

of the English law may still be traced amid the elaborations of the modern wording and development. In certain directions American law has adhered more faithfully than English law to the earlier English legislation. Laws against adultery and "fornication" which exist in many of the States are directly descended from the jurisdiction of the Ecclesiastical Court of mediæval England. But whereas in England the enactments of the Ecclesiastical Court against adultery and fornication lapsed by disuse and were not replaced by Parliamentary enactments, this legislation has persisted in a number of the American States, and is renewed, altered, or extended from time to time.

Certain proceedings which took place in the United States early in the present century were influential in the production of some of the States legislation which has been enacted since 1900; these were a series of investigations into what were described as "vice conditions" in a number of cities. In 1901 a committee of enquiry reported on over 300 disorderly tenements in New York; in 1905 the New York Committee of Fourteen was formed for the purpose of investigating and suppressing the Raines Law Hotels.¹ The Chicago Vice Commission Report was published under the title of *The Social Evil* in 1911. In 1912 a number of investigations were made in Kansas, Cleveland, Atalanta, Bridgeport, to name only a few of the cities investigated. The reports of these investigations, provoking much public discussion, were the basis for much of the "morals" legislation which followed their appearance.

In view of the existence of forty-eight penal codes and of forty-eight legislatures dealing with "morals" offences, it scarcely appears feasible to discuss the trend of American "morals" legislation in general terms. But the common ancestry of the bulk of this State legislation, and some general characteristics in the American attitude to moral problems, have produced legislation in which a common aim is sufficiently discernible to allow of a considerable amount of general treatment.

¹ *v. supra*, Chapter II.

"Continual and persistent repression of prostitution the immediate method; absolute annihilation the ultimate ideal," which was the recommendation of the Chicago Vice Commission, appears to be the general aim of the "morals" laws of the States reviewed as a whole.

Notwithstanding the manifest impossibility of making detailed commentary on the legislation of the forty-eight States, the process of generalization is unsatisfactory and vague when unsupported by concrete evidence. The "morals" laws of seven States have therefore been chosen from which to give extracts illustrating laws which are particularly characteristic or which demonstrate to some extent the repressive and Puritanical tendency of American morals law. In the case of one State, extracts from a sterilization law are also given. The following summary outlines the main features.

ALABAMA

There is no reference to, and no legislation against, the "common prostitute" as such. "Any person who is a prostitute" is classed as a vagrant, as also is the keeper of a "house of prostitution," and vagrancy is a crime, of which the penalty, it will be seen, is severe.¹ The possible penalty against anyone who "knowingly accepts, receives, levies, or appropriates any money or other valuable thing" from the proceeds of a prostitute's earnings "without legal consideration" is exceedingly heavy,² and compares curiously with the English treatment of the male person living "wholly or in part" on prostitute earnings. On the other hand, the penalty against anyone taking a girl under fourteen from her guardians for the purpose of "prostitution, concubinage, or marriage" seems disproportionately low.³ The paragraph referring to procuration affords an example of the method of effecting legislation of a com-

¹ Sections 5571, 5572 of Chapter 244, Code of 1928. A minimum fine of \$500 and a minimum hard labour sentence of six months.

² viz. a fine of "not more than 1,000 dollars" or "imprisonment in the penitentiary not more than 15 years." Chapter 62, Code of 1928.

³ Chapter 62, section 3185, Code of 1928. Penalty, not less than two years' imprisonment.

prehensive nature by the use of several descriptive words, which is noticeable in the legislation of a good many States.¹

IOWA

"Common prostitutes" are recognized and with the keepers of "bawdy houses" are classed as vagrants. They may be required to furnish an undertaking to "be of good behaviour for twelve months."

Chapter 591 of the Code contains two sections which need special notice. The first, section 13173, includes among those covered by the penalty imposed, "any person" who "resorts to" any house of ill-fame "for the purpose of prostitution." The second, section 13174, penalizes solicitation for sex intercourse "for a consideration or otherwise." It will be noted that these two sections may be employed to penalize the prostitute's customer, and unpaid promiscuity if solicited. Under section 13181 of this same chapter, which penalizes the inveigling of "any female before reputed virtuous" to a house of ill-fame, there is included the offence of enticing back into a life of prostitution "any female who has abandoned it," with a possible penalty of ten years' imprisonment. Chapter 566 contains two sections which reveal the English origin; in the first (section 12966) the third section of the English Offences against the Person Act of 1875, relating to anyone who shall "carnally know and abuse" a girl, is partially reproduced in the first part of the American section. The age of the girl is higher, and the penalty heavier, in the American law²; (but it must be remembered that the age of the girl, and the penalty of this English law, were subsequently raised by the C.L.A. Act of 1885). The second resemblance to English law occurs in section 12967 referring to "carnal knowledge of any female" by administering drugs to overpower her, or with an imbecile woman, which may be compared with subsections in sections 3 and 5 of the C.L.A. Act of 1885. The sterilization law represents

¹ Chapter 215, section 5252, Code of 1928.

² viz. sixteen years, the maximum penalty being imprisonment for life, with a minimum penalty of five years' imprisonment.

the attitude of Iowa legislators towards individuals who admittedly form part of the prostitution problem, e.g. "sexual perverts," "moral degenerates," and feeble-minded persons, and for this reason three extracts from this law are given:—

(1) Section 2437.

C.1. "A State Board of Eugenics is hereby created."

C.2. "Quarterly reports to be made to the Board of all males and females in the State known to the reporter to be feeble-minded, insane, syphilitic, habitual criminals, moral degenerates, or sexual perverts. Persons so reported to be informed of the report. . . ."

C.3. "If in the judgment of the majority of said Board procreation by such persons would produce . . . children having an inherited tendency to feeble-mindedness, syphilis, insanity, epilepsy, criminality or degeneracy . . . and there is no probability that the condition . . . will improve . . . it shall be the duty of such Board to make an order embodying its conclusions . . . and specifying such a type of sterilization as may be deemed best suited to the condition of said person . . . but nothing contained in this chapter shall be construed to authorize castration nor the removal of sound organs from the body."

Code of Iowa, Chapter 114.

LOUISIANA¹

There is no law against soliciting for prostitution nor against the hiring of or giving of the person for prostitution. Unlawful cohabitation is an offence only if occurring between white and coloured persons; the penalty is imprisonment from one month to one year (Statutes of 1920, p. 398).

Fornication is an offence only if between Indian and negro persons; penalty, from one month to one year's imprisonment (Session Laws, 1920, p. 391).

Carnal knowledge by any person over seventeen of an unmarried female between the ages of twelve and eighteen,

¹ Information relating to laws in Louisiana was obtained from the American Social Hygiene Association, since only the Civil Code was available in England.

even with her consent, is a felony; penalty, imprisonment not exceeding five years (Statutes of 1920, p. 398).

Pandering and procuring for prostitution purposes is punishable by imprisonment from six months to two years, and by a fine of from \$100 to \$500 (Marr's Revised Statutes, 1915, sections 1640, 1641, 1643).

Male persons knowingly living on the earnings of, or receiving support from, the earnings of a prostitute are punishable by imprisonment from six months to two years, and a fine of from \$100 to \$500 (Marr's Revised Statutes, 1915, sections 1645 and 1646).

Keeping a disorderly house is punishable by imprisonment from thirty to sixty days, and fine of from \$10 to \$500 (Revised Statutes, section 908, pp. 442-443). (Definition of a disorderly house is "a house of public entertainment or resort or open to the public, conducted in such a manner as to disturb the public peace, or place where lewd dancing is permitted, or where lewd pictures are accessible or house used for purposes of prostitution or assignation.")

MASSACHUSETTS

The "common prostitute" is not referred to in Massachusetts law. Instead the following are classed with "rogues and vagabonds": "common nightwalkers, both male and female," "persons who . . . accost or annoy in public places persons of the opposite sex," "persons who . . . habitually misspend their time by frequenting houses of ill-fame."¹

Any person under eighteen years of age is protected from "unlawful sexual intercourse" by section 4 of Chapter 272. Several protective sections in this chapter partially reproduce sections in the English Criminal Law Amendment Act of 1885, e.g. section 3 of the Massachusetts law, referring to the administration of drugs in order to stupefy the intended victim of sexual assault, closely resembles section 3, subsection 3 of the C.L.A. Act, though there is no provision as to uncorrobor-

¹ General Laws of Massachusetts, 1931, c. 272, s. 53.

ated evidence in the former and the penalty is more severe than in the English Act¹; section 5 of the Massachusetts law (which penalizes illegal intercourse with a feeble-minded woman) is similar to section 5, subsection 2 of the C.L.A. Act, but has no reference to an attempted offence, nor to uncorroborated evidence, and the penalty is heavier than in the English Act. Section 6 of the Massachusetts law refers to owners of premises who knowingly permit girls to use them for purposes of prostitution. It reproduces part of the wording of section 6 of the C.L.A. Act, but where the latter has subsections attaching different penalties according to the age of the girl, the Massachusetts law refers to "a female," and has one penalty. (The English section has in addition, and as amended in 1912, provision for a defence where the man who owns the premises is not more than twenty-three years of age.)

Sections 16 and 18 penalize respectively cohabitation between a man and woman not married, and the commission of fornication.

NEW JERSEY

New Jersey has no legislation against the "common prostitute." In Chapter 240 of the Laws of 1922 is given the New Jersey definition, for legal purposes, of the term "Prostitution."² This is to include "giving or receiving the body" for sexual intercourse, whether with or without payment. It will be recognized that both partners may thus be penalized, and that the commercial element is unnecessary in order to establish an offence. The same chapter deals comprehensively with the provision of opportunity for the purpose of prostitution in "any place, structure, building, vehicle or conveyance," such provision being a misdemeanour, as is the act of entering or remaining in such buildings or vehicles "for the purpose of prostitution."³ By this paragraph are penalized not only the third-party profiteers, but again both partners in an act of prostitution.

¹ viz. three years' imprisonment or \$1,000 fine or both.

² Section 2.

³ Section 1.

Chapter 140 of the Laws of 1919 has a section penalizing "any person who shall commit fornication."¹

NEW YORK

The "common prostitute" is not recognized; the "vagrancy" section of the 1930 "Tenement House Law" includes as a vagrant "a person who solicits another to enter a house of prostitution or a room in a tenement house or any part thereof for the purposes of prostitution."² The penalty is committal to the county jail for a term not exceeding six months. In Chapter 41 of the New York Consolidated Laws, 1930, one paragraph (par. 1148) dealing with a male person living on the earnings of a prostitute, or soliciting for immoral purposes, follows very closely the wording of sections 1 and 3 of the English Vagrancy Act of 1898, but omits the word "persistently" which occurs in the English Act, and which has been held, on occasion, to operate against the usefulness of the section.

Article 220 of Chapter 41 contains sections referring to third-party profiteering, which require special note on account of the severity of the penalty which may be imposed. These relate to enticing or inducing, or attempting to entice or induce, for prostitution purposes, and knowingly receiving money "or other valuable thing" from a prostitute's earnings "without consideration." The maximum penalty is twenty years' imprisonment and \$1,000 fine.³

WISCONSIN

The "common prostitute" is penalized among persons "deemed vagrants" in the vagrancy section of Chapter 348 of the Wisconsin Statutes, 1929.⁴ The offence is not that of soliciting, but of being found wandering in the streets and loitering near restaurants, lodging-houses, etc. In addition, "every female" found "wandering about the streets and

¹ Section 48.

² Chapter 62, Article 8, paragraph 150.

³ Section 2460, paragraphs 3 and 8.

⁴ Section 351.

addressing male persons for the purpose of soliciting," etc., is included in the vagrancy section. The penalty is hard labour in the county jail not exceeding ninety days, or "solitary confinement therein" from three to ten days. A man and woman "not being married to each other" who cohabit may be imprisoned for not more than a year.¹ The offence of fornication is heavily punished. If the woman was "previously chaste" and under twenty-one years of age, the man is liable to not more than four years' imprisonment, with an alternative or additional fine; in other cases, and if the woman is over sixteen, both may receive six months' imprisonment, with a fine of not more than \$100 alternatively or in addition.² The offence of knowingly receiving "without consideration" any money or "valuable thing" from a prostitute's earnings incurs a penalty of imprisonment for not less than two nor more than twenty years.³ The section dealing with this offence is identical in wording with the similar paragraph in Chapter 62 of the Alabama Code of 1928 and in the New York 1930 Laws, Chapter 41, already described, except that the maximum penalty is heavier than the Alabama maximum penalty, and lighter than that of New York, by the omission of the New York fine. A paragraph in section 16 refers to the furnishing of the name or address of a girl with intent that she shall be resorted to for immoral purposes. Chapter 340 contains sections (.46 and .47) dealing with "carnal knowledge" of a female of sixteen years or more, against her will, or of a female under eighteen by any person over eighteen. In the first case the penalty may be imprisonment for not more than thirty years, and in the second for not more than thirty-five years. The minimum penalty is one year. These paragraphs are noted here on account of the length of the prison sentences which may be inflicted.

A special note requires to be made regarding "fornication." In some States where fornication has been made punishable

¹ Chapter 351, section .04, Wisconsin Statutes.

² Chapter 351, section .05.

³ Chapter 351, section .16.

by law, the offence is described as "habitual" fornication (e.g. Colorado Rev. Statutes, 1912; Idaho, Chapter 209, Laws, 1921; Indiana, section 2353, Statutes of 1914, etc.). (Arkansas has "habitual illegal cohabitation," K. and L. Statutes, 1916.) In other States, the offence consists in one act of fornication (e.g. Georgia, section 372, Code of 1914; Connecticut, section 6383, Gen. Statutes of 1918; Florida, section 3520, Revised Statutes, 1914, etc.).

The American Social Hygiene Association reports "13 States have laws making men and women equally liable for acts of prostitution,"¹ and in certain other States the law aims at the customer by penalizing the "frequenting of" or "loitering in" disorderly houses. (Cp. Iowa, "resorting to house of ill-fame," above.)

So far, the State laws dealing with sex offences have tended towards an increasing severity; much of it, it will be recognized, appears to penetrate very far into what is usually considered the realm of private morals. At the moment this type of legislation appears to be at a standstill. The year 1931 was "legislation year" in forty-four States. No fresh prostitution legislation was enacted, though unsuccessful attempts were made in Missouri and in New York.

The present tendency is indicated by the American Social Hygiene Association, who refer to "comparatively little activity in the social hygiene field, as compared with ten to fifteen years ago"; they sum up the "legislative trends in 1931" as "centring about the protection and welfare of the child, and attempts to do something effective about the changing status of marriage and the family."²

CANADA

The legislative systems of Canada and the United States are comparable up to a point. Each consists of a Federal Government in conjunction with subsidiary or local governments. But the Provinces of Canada have no independent government

¹ *Journal of Social Hygiene*, October 1931, p. 403. ² *Ibid.*, pp. 402, 407.

similar to the autonomy of the States of America. The Dominion Code is administered throughout Canada by Provincial officials as the law of Canada, and is not, as is the case with American Federal Law, confined to certain fields of activity, to be administered by Federal officers only. Provincial government is confined to local questions (which may include some control of venereal disease infection, e.g. Ontario Acts for Prevention of Venereal Diseases, 1918 and 1927, referring to compulsory examination, and treatment if infected, of persons under arrest). Except in the Province of Quebec, to which separate reference will be made, Canadian law is based on English law. Criminal law and procedure are embodied in the Dominion Criminal Code. Quebec Province retains a large body of civil law, the foundation of which is entirely French, but the only Quebec laws to which reference will need to be made here are a law of 1861, enacted when Quebec Province was still "Lower Canada" (which law is English), and a law of 1920; these will be referred to later.

A considerable proportion of the present "morals" legislation in Canada dates back to the Criminal Code of 1892 (55 and 56 Vic., c. 29). The present law relating to "common prostitutes" is identical with paragraph (i), section 207, of the law of 1892. The offence is not that of soliciting, but of wandering "in the fields, public streets," etc., and being unable "to give a satisfactory account of herself." The 1892 paragraph relating to keepers or inmates of disorderly houses is also identical with paragraph (i) of section 238 of the present Act, and includes in the penalty anyone in the "habit of frequenting such houses" "who does not give a satisfactory account of himself or herself."

Section 181 of the 1892 Act punished with two years' imprisonment "everyone" who seduced or had illicit connection with a "chaste" girl between the ages of fourteen and sixteen. A revision of the Criminal Code in 1900 was made the occasion to add the following section,¹ which was "to be inserted

¹ Section 210. (The succeeding sections were renumbered "211, 212," etc., by the 1900 Code.)

immediately after section 183" of the 1892 Act: "The burden of proof of previous unchastity on the part of the girl or woman under the next succeeding sections shall be upon the accused" (63 and 64 Vic., c. 46, s. 3, 1900). The sections referred to were sections dealing with procuration, and were identical with sections 2 and 3 of the English Criminal Law Amendment Act of 1885 (*q.v.*), except three sections in the Canadian Act dealing respectively with the "inveigling or enticing" of a girl or woman into a house of ill-fame for the purpose of prostitution¹; the procuring of "any woman or girl to come to Canada from abroad with intent that she may become the inmate of a brothel"²; and with a paragraph dealing with the seduction of, or illicit carnal connection with, a "previously chaste" girl or woman under twenty-one who is in any way under the authority of the offender in "factory, mill, or workshop." The section last mentioned (section 183 of the 1892 Act) has been retained with alterations which will shortly be noted. Section 186 has a "procuration" subsection penalizing a guardian or parent who "orders, is party to, permits, or knowingly receives" "the avails" of the seduction or prostitution of child or ward. This section is retained as section 215 of the Code of 1927. Section 187 is closely modelled on section 6 of the English C.L.A. Act of 1885, but the age of the girl was fourteen in the Canadian Act and thirteen in the English Act,³ and the penalty ten years' imprisonment in the Canadian Act and "penal servitude for life" or two years' imprisonment in the English Act. Section 188 runs, "Everyone is guilty of an indictable offence and liable to two years' imprisonment who conspires with any other person by false pretences or false representations or other means, to induce any woman to commit adultery or fornication." This section (which is retained in the present Code as section 218) bears some resemblance to United States law. Section 189 (which is section 219 in the present Code) bears considerable resemblance to section 5, subsection 2 of the English C.L.A. Act of 1885,

¹ Section 216, subsection (b).

² Section 216, subsection (g).

³ Both ages being raised in subsequent Acts.

dealing with the "unlawful carnal knowledge" of an imbecile or idiot woman. The Canadian section includes "an insane or deaf and dumb woman," and the Canadian penalty is four years' imprisonment as compared with the English sentence of two years. Section 190, referring to the prostitution of "unenfranchised" Indian women, is in force at the present time as section 220 of the Penal Code.

Section 195 of the 1892 Act defined a disorderly house: "A common bawdy house is a house, room, set of rooms, or place of any kind kept for the purposes of prostitution," and section 198 made the keeper thereof liable to imprisonment for one year. Section 207 of the 1892 Code, referring to "loose, idle or disorderly persons," is in force in its entirety in the present Code and includes the paragraph relating to the "common prostitute" mentioned earlier.

The revision of the statutes of Canada in 1900, which was referred to earlier in connection with the insertion of section 210,¹ made alterations in sections 183 and 187 of the 1892 Code. In the case of section 183 (which became section 213 of the 1900 Code) the main alterations were the addition of "shop or store" after "factory, mill or workshop," and the very important addition of the words "or receives her wages or salary directly or indirectly from him" after "subject to his control or direction." The alteration to the old section 187 (now section 217) consists in the insertion of the age below which a girl may not "knowingly" be allowed by the owner of premises to resort there for prostitution purposes, the age in the new section being eighteen years.

The present Code came into force in 1927. It includes the Code of 1906 (in which no alteration was made in sections dealt with here) and the numbering of the 1927 sections is identical with that of the Code of 1906.²

Certain changes were made as follows:—

By section 211 the age of consent below which a girl is protected from seduction is raised to eighteen (previous age, under section 181 of 1892 and section 211 of 1900 was

¹ *v. supra.* ² The numbering of which reproduces that of 1900, *v. supra.*

sixteen), and the age of the man who is liable to penalty must be "over eighteen years." An important subsection was added in 1920, and is included in the present Code, making it possible for a judge to instruct the jury to find a verdict of acquittal in a case brought under this section, should it appear to them on hearing the facts that the accused was not "wholly or chiefly to blame." This is an important provision in view of the fact that by some people the raising of the girl's age to eighteen is regarded as unwise.

Section 213 alters section 213 of 1900 by including step- or foster-parents with those persons in authority penalized for seducing girls under twenty-one over whom they exercise control, and by adding the same provisions for the exercise of discretion by the judge which was added to section 211. Section 216 deals with procuration, and introduces various changes into the corresponding 216 of the 1906 Code. In subsection (*a*) the age of the women or girl is not mentioned, nor is the common prostitute specified as being excluded, i.e. the procuration of "any girl or woman" is penalized, and not, as formerly, "any girl or woman under twenty-one, not being a common prostitute." Subsection (*g*) of the 1927 Code is new, and refers to the procuration of "any woman or girl to come to Canada or leave Canada" for prostitution purposes. Subsection (*i*) is based on section 7 of the English C.L.A. Act of 1912 (part of the wording being identical) and refers to the "aiding, abetting or compelling" of prostitution. Subsection (*j*) is similar to subsection 2 of section 3 of the English C.L.A. Act of 1885, referring to procuration by false pretences, etc., but differs in not excepting the "common prostitute." The last part of this section differs from the 1906 Code by introducing a subsection and an additional paragraph referring to "a male person" who "lives wholly or in part" on prostitute earnings, and the presumed evidence of this fact, based on his "living habitually in the company of a prostitute or prostitutes," etc., both of these additions being almost identical with wording of sections in the English Vagrancy Act of 1898 (*q.v.*). The remainder of the 1927 Code is unchanged from the 1906 Code

till section 225, dealing with the definition of a "bawdy house," the definition being extended. Section 228 is also altered and covers those found in disorderly houses "without lawful excuse" in addition to the keepers thereof. The prison sentence is reduced, but fines of \$100 to \$200 are added (the heavier fine applying to the keeper of such house).

In addition to the above sections of the Criminal Code, Canada has an Immigration Act providing for the refusal of entrance into the Dominion of certain classes of persons which include "prostitutes," "pimps," and "procurers" "coming to Canada for any immoral purpose" and for the deportation of persons other than Canadian citizens found practising such immorality in Canada.

QUEBEC PROVINCE (formerly Lower Canada)

In 1861 an Act was passed in Lower Canada entitled "An Act respecting the Police in Quebec and Montreal, and certain regulations of Police in other Towns and Villages." Section 10 empowers "any justice of the peace" to condemn "all loose, idle and disorderly persons" on conviction to pay a fine "not exceeding five pounds sterling" or in default, to imprisonment "at hard labour" for not more than two months. Section 11 defines such persons, and includes "all common prostitutes or nightwalkers wandering in the fields, public streets," etc., and "not giving a satisfactory account of themselves," and "persons in the habit of frequenting houses of ill-fame" without satisfactory reason. With slight alterations in arrangement of words, these sections are reproduced in the Revised Statutes of Quebec, 1925, and are in force now. In 1920 an Act "respecting the owners of houses used as disorderly houses" (10 Geo. V, c. 81) gave a definition of such house, and prohibited the use of any house or building for prostitution or procuration purposes, sanctioning the closing of any house so used. This Act is in force.

The tendency in Canadian Dominion prostitution law since 1900 has been mainly in the direction of increasing the pro-

tection of young girls, and of women and girls under twenty-one who are subject to authority. There appears, too, a tendency towards the inclusion of the male customer in prostitution offences, by applying a penalty to those who "frequent" or are "found in" houses of ill-fame. The present law still differentiates against the common prostitute in the Vagrancy Act, i.e. by requiring the common prostitute to "give a satisfactory account of herself" if found in public places; it still excludes the "common prostitute" from the section penalizing procuration by inveigling or enticement, i.e. such form of procuration may be used with impunity if the procured person is a "common prostitute." But it will have been noticed that revision of the statutes since 1900 has resulted in the omission of the words "not being a common prostitute" from protective sections in one or two instances, though there is frequent reference to the "previous chastity" of girls or women. Such reference to previous chastity implies that, in the absence of such conditions, no offence is committed by the man. But the "burden of proof" of the previous unchastity of the woman which is laid upon the male offender by section 210 of the Criminal Code may cause considerable difficulty in setting up a defence.

AUSTRALIA

With the exception of laws connected with the defence forces and with customs and excise, which are controlled by the Federal Parliament, Australian legislation is enacted by the several States, each of which has a responsible Government. As is to be expected of a country whose earliest civilized colonists migrated from England, this legislation is founded on English law.

In each State, crimes connected with procuration, and sex crimes against girls and women, are dealt with by "Crime Acts" and "Criminal Laws" modelled on the English Criminal Law Amendment Act of 1885 as subsequently amended, whose wording, in many sections, closely follows and in some cases reproduces the wording of the English originals.

Offences against "order" are covered by "Vagrancy" and "Police" Acts, and include sections dealing with "common prostitutes," with disorderly premises, and with the male offences of living on the earnings of prostitution, and public soliciting for immoral purposes, which are modelled on English Vagrancy and Police Acts, and which also follow very closely the wording of sections on which they are based. Certain individual differences occur in each State in connection with the ages of victims and the nature of the penalties inflicted; two States protect boys; one State has compulsory medical examination of prostitutes.

In order to avoid repetition in the case of each State of laws which are so nearly identical in intention and wording, it is proposed to give in some detail the legislation of one State (New South Wales) and in the case of the remaining four States to note only the individual differences (e.g. in ages and penalties), to outline special legislation belonging to any one State, and to give the dates which show when changes occurred.

NEW SOUTH WALES

The Vagrancy Act of 1851 (15 Vic., No. 4) was in force until 1901. Sections 2 and 6 dealt with street order. The wording of section 2 is founded on and almost identical with section 3 of the English Vagrancy Act of 1824 and occurs in the Vagrant or Police Acts of each of the Australian States, with the exception of Victoria. Section 2 runs as follows: "Every common prostitute wandering in any street or public highway or being in any place of public resort who shall behave in a riotous or indecent manner . . . shall be deemed an idle or disorderly person." The penalty on conviction was committal to the "gaol or house of correction, there to be kept to hard labour for any time not exceeding two years."

Included in this section is a paragraph referring not only to the holders of houses frequented by "reputed thieves and persons having no lawful visible means of support," but to those persons found in the company of these two classes of persons and being unable to satisfy the Justices as to the fact

of "being in such house upon some lawful occasion." The penalty imposed is the same as for the common prostitute. By an Amending Act in 1863¹ these penalties were reduced to "not exceeding six months." The Crimes Act of 1883 (46 Vic., No. 17) was in force until 1900. The sections with which we are concerned were: section 41, dealing with carnal knowledge or attempted carnal knowledge of a girl under ten years of age. The penalty was death if the act were committed, and fourteen years' penal servitude if attempted. Section 42 referred to the same offences against a girl over ten and under fourteen years of age, the penalties being ten years' penal servitude if committed and five years' penal servitude if attempted. (Reasonable cause to believe the girl was fourteen or over was a defence.)

In 1900 a new Crimes Act altered the numbering of the above sections, putting committal of the act, and attempted committal, into separate sections; sections 41 and 42 of the old Act becoming sections 67, 68, 71, 72 of the 1900 Act.

In 1901 the prostitute's offence was altered, as follows: "Whosoever . . . being a common prostitute wanders in any street or public highway or behaves in a riotous or indecent manner in any place of public resort."² In the following year it was again altered; in this new section the prostitute penalty applied only if the "common prostitute" wandered in street or highway or in a place of public resort, and "in either case" behaved "in a riotous or indecent manner," the offence being one of behaviour by a "common prostitute" rather than that of being in a public place.

The Police Offences (Amendment) Act, 1908, added a new paragraph to section 4 of the 1902 Vagrancy Act. This new paragraph is a reproduction of sections 1 and 3 of the English Vagrancy Act of 1898 respecting the offences, by a male person, of soliciting in public places and of living on the earnings of prostitution, and is in force now. An alteration of the prostitute paragraph was made: "Whosoever . . . being a common

¹ Vagrant Amending Act, 1863, 27 Vic., No. 10.

² Vagrancy Act, 1901 (No. XIII), sect. 4, par. (1).

prostitute, solicits or importunes for immoral purposes, any person who is in any public street thoroughfare or place." (This definition of the offence is in force to-day except for the alteration of "common prostitute" to "known prostitute.")

The Crimes (Girls' Protection) Act of 1910, section 2, amended the Crimes Act of 1900 by raising the age of consent of the girl from fourteen to sixteen years, in the sections referring to actual or attempted carnal knowledge or indecent assault of girls of that age, and added a defence as follows, in cases where the girl was over fourteen:—if it is made to appear to the court that at the time of the offence the girl was a "common prostitute or an associate of common prostitutes." A new section (5) was added as follows: "Whosoever employs in, or under any circumstances whatever suffers to resort to or be in or upon any premises used as a brothel or house of ill-fame, any girl under the age of eighteen years, shall be liable to penal servitude for five years." In 1911 a provision was added to the above Act by the Crimes (Girls' Protection) Amendment Act (2 Geo. V, No. 21) making consent by a girl over sixteen years of age a sufficient defence.

The 1924 Crimes (Amendment) Act added several new sections to the Principal Act. Section 72A provided a penalty of five years' penal servitude for actual or attempted carnal knowledge of an idiot or imbecile girl or woman, by anyone aware of her defect. By section 77 the defence of "consent" does not apply, in the case of carnal assault by parent, foster-parent, or teacher of a girl over sixteen. Sections 91A and 91B penalized "procuration" and "enticing" of any female under twenty-one with or without her consent, and similar procuring and enticing by means of fraud, violence, abuse of authority, or use of drugs or intoxicants, of a woman under twenty-one, by seven and ten years' penal servitude respectively. Section 91C penalized a repetition of the offence, by a male person, of knowingly living on the earnings of prostitution, by three years' imprisonment. Section 91D slightly altered section 5 of the Crimes Act of 1910, by inserting "knowingly" before "suffers to resort to," and altered "in or upon" to "upon."

A Vagrancy Act consolidating the Vagrancy Acts since 1902 was enacted in 1927. No new addition was made except section 8A dealing with street offences, and section 8B dealing with the offence of "inducing or suffering" any female whom he knows to be a "common prostitute" to be on premises for prostitution purposes, by the person in control of such premises. Section 2 of the Vagrancy (Amendment) Act of 1929 (17 Geo. V, No. 30) made (a) the alteration from "common" to "known" prostitute already mentioned, and (b) added to subsection 1 of section 4 of the Vagrancy Act of 1902 as subsequently amended, a subsection (j) "whosoever habitually consorts with reputed criminals or known prostitutes or persons who have been convicted of having no visible lawful means of support," the penalty being six months' hard labour.

QUEENSLAND

The Vagrant Act of 1851 (15 Vic., No. 4) was identical, in relevant sections, with the New South Wales Vagrancy Act of 1851, and was in force until 1931. The Criminal Code Act of 1899 (63 Vic., No. 9) was in force until 1913. Section 212 dealt with actual or attempted "carnal knowledge" of a girl under twelve years of age. The penalty for the first was imprisonment for life with hard labour "with or without whipping," and for the second, three years' imprisonment with hard labour "with or without whipping." (If the offender was a boy under sixteen, a reformatory or industrial school sentence.) The penalty, under section 214, of attempted carnal knowledge of a girl under ten years of age was imprisonment with hard labour for fourteen years "with or without whipping."¹ Section 215 penalized the same offence, or its attempt, against a girl under the age of fourteen, or against an idiot or imbecile woman, the penalty being two years' imprisonment. A defence of reasonable cause to believe the girl was sixteen was allowed. Uncorroborated evidence of one person was insufficient for conviction. (The Criminal Code Amendment Act, 1913

¹ No penalty appeared to be provided if the offence was actually committed under this age, so far as I can discover.

(4 Geo. V, No 25), raised the age from fourteen to seventeen.) Prostitution is dealt with under sections 217 and 218. Under the first the penalty is two years' imprisonment with hard labour, unless the woman is over twenty-one, or is a "common prostitute." Under the second there is the same penalty for procuring "a woman or girl" by threats or by use of drugs, or a woman or girl "not a common prostitute" by false pretences. No conviction is obtainable on the evidence of one person. These sections are in force at the present time.¹

Queensland has had legislation enforcing the compulsory medical examination of "common prostitutes" since 1868, when the Contagious Diseases (Women) Act (31 Vic., No. 40) was enacted. This Act was identical with the English Contagious Diseases Acts referred to earlier, and was in force until August 1911, when "the proclamation bringing the Act into force was rescinded." The compulsory examination of prostitutes was, however, at once re-enforced by subsection (*d*) of section 132B of the Health Acts Amendment Act of 1911 (2 Geo. V, No. 26) and was included in section 158 of the Consolidated Health Acts 1900 to 1917 (in almost exactly the same wording as the wording of the 1911 subsection) and is in force at the present time, with additions made in 1917, and in the Health Acts Amendment Act of 1922 (13 Geo. V, No. 37). The first of these additions occurs in section 159 of the Consolidating Act, and obliges the medical practitioner attending a patient suffering from venereal disease to give such patient, when cured, a certificate stating the fact of cure. The 1922 additions slightly alter the wording of the section compelling the provision of a certificate by the doctor, which in the new wording is to be a certificate of cure or "apparently free from disease." Further, an exception is made in the case of a patient "known to be a prostitute," and no person is to use the certificate for prostitution purposes.

¹ The Criminal Code Amendment Act, 1913, made no change in these sections except the alteration in age noted above.

The Vagrants, Gaming, and Other Offences Act of 1931 (22 Geo. V, No. 27) borrows the "consorting" paragraph of the New South Wales Vagrancy Amendment Act of 1929. The prison penalty is the same as the New South Wales penalty, but Queensland has an alternative penalty of a fine of £50. In section 5 there appear two subsections referring to the "common prostitute," defining the two distinct offences, by a "common prostitute," of "wandering in a public place and behaving in a riotous, disorderly or indecent manner," or of "importuning for immoral purposes any person who is in a public place," etc.

SOUTH AUSTRALIA

Section 62 of the Police Act of 1869 (33 Vic., No. 15) provided a penalty of imprisonment not exceeding "two calendar months" with or without hard labour for "every common prostitute wandering," etc., as in the English Vagrancy Act of 1824, section 3. The Police Act of 1916 (7 Geo. V, No. 1257) altered this offence, in section 63, subsection (a) (2), as follows: "Any common prostitute who solicits, importunes or accosts any person for the purposes [*sic*] of prostitution or loiters about for the purposes of prostitution, in any public street, road, thoroughfare or place, or within the view or hearing of any person passing therein." The prison penalty is "not exceeding two months" or a fine of £5. Section 71 of the earlier Act penalized the keeper of any "house, shop, room or place of public resort wherein provisions, liquors, or refreshments of any kind shall be sold or consumed" . . . who knowingly permits "youths under the age of sixteen years" to enter and remain, or knowingly permits "prostitutes or persons of notoriously bad character" to meet and remain there. The penalty is a fine of "not more than £5." In 1885, section 10 of the Criminal Law Consolidation Amendment Act (48 and 49 Vic., No. 358) made it an offence for the owner of premises to permit a boy under seventeen years of age to remain on such premises for the purpose of "unlawfully and carnally knowing any female," the penalty being imprisonment "not exceeding two years,

with or without hard labour." Sections 2 and 3 of this Act deal with procuration as follows:—

Section 2. Procuration or attempted procuration of a female under twenty-one not being a prostitute may be punished by two years' imprisonment with or without hard labour.

Section 3. Procuration of any female by threats, or endeavours so to procure; or endeavours to procure by false pretences any female "not being a common prostitute" may be punished by imprisonment as above.

Section 4 provides a penalty of not more than two years' imprisonment "with or without hard labour" for offences as follows:—

(1) Actual or attempted carnal knowledge of a girl over thirteen years and under sixteen years; or

(2) The same offence against an idiot or imbecile girl or woman, the offender having knowledge of the defect. A defence is permitted of "reasonable cause" to believe the girl was sixteen. The Children's Protection Act, 1899 (62 and 63 Vic., No. 730), raised the age of consent to seventeen, with the provision that in cases where the girl is between sixteen and seventeen years of age her consent to the act is a sufficient defence if the offender had "reasonable ground" for believing that she was over seventeen years of age.

The Police Act, 1916, empowered (section 47 (1)) any member of the Police Force to enter any place of public entertainment or exhibition, whether entrance is or is not paid for with money, and order any "common prostitute" or other individual of reputed disorderly character to leave.

Section 76 renewed section 71 of the 1869 Police Act respecting the exclusion of youths under the age of sixteen from public refreshment rooms.

VICTORIA

In 1891 the street offence of the "common prostitute" and the penalty were defined as follows:—

"Every common prostitute who importunes any person passing in any public street, thoroughfare or place within the

view or hearing of any person passing therein shall be liable to a penalty not exceeding £5 or to imprisonment for any period not exceeding one month." This section remained unchanged until 1912.

The Crimes Act, 1891 (55 Vic., No. 1231), dealt with sex assaults against girls in sections 5 and 6. Under section 5, unlawful carnal knowledge of a girl over ten and under sixteen years of age was punishable by imprisonment for not exceeding ten years if committed, and not exceeding three years if attempted. If the offender were schoolmaster or teacher of the girl, the penalties were respectively imprisonment for not exceeding fifteen years and five years. (Consent of the girl was a defence only if the offender were younger than the girl.) Section 11 imposed a penalty of not exceeding five years for actual or attempted carnal knowledge of female patients of asylums or hospitals.

Procuration of "any woman or girl" under twenty-one was dealt with under section 14 and punished by imprisonment of not over two years. Section 15 dealt with:—

1. (a) Procuration or attempted procuration of any woman or girl under twenty-one by means of threats or intimidation;

(b) procuration or attempted procuration by means of false pretences of any woman or girl "not being a common prostitute," the penalty being imprisonment for not more than two years.

2. Procuration by means of administration of drugs or other matter to any woman or girl in order to stupefy her, the penalty being imprisonment for not more than two years. In neither of these sections was conviction obtainable on the evidence of one witness only.

The Crimes Act of 1915 (6 Geo. V, No. 2637) repeated the penalties for actual and attempted unlawful carnal knowledge of girls between ten and sixteen years of age. Section 42 dealt with the same offence against a girl under ten years of age, the penalty for which was death if committed, and imprisonment for not more than ten years if attempted. By section 46 (1) the age of consent was raised to eighteen years

in cases where the man was over twenty-one, the penalty being imprisonment for not more than twelve months. The procurement offences and penalties remained unaltered.

The Police Offences Act, 1912 (3 Geo. V, No. 4242), contained two subsections dealing with "common prostitute" offences in public; section 26 slightly altered the 1891 definition of a prostitute; section 69 (2) almost reproduces the English 1824 Vagrancy Act definition, with a heavier penalty: "Any common prostitute who in or on any public place behaves in a riotous or indecent manner shall be liable to imprisonment for any term not exceeding twelve months." Section 30 reproduces section 22 of the old Town and County Police Act of 1854 (18 Vic., No. 14) relating to "harbouring of prostitutes."

Neither the Police Offences Act of 1915 (6 Geo. V, No. 2708) nor the Crimes Act of 1928 (19 Geo. V, No. 3664) altered the relevant sections in the Acts just quoted except for an alteration in section 69 of the 1912 Police Offences Act, in which "any term" becomes "a term." With this one alteration, therefore, the content of the sections referred to in the two former Acts is in force at the present time, in the Police Offences Act of 1915, sections 26 and 69 (2), and in the Crimes Act of 1928, sections 42, 43, 52.

WESTERN AUSTRALIA

Until 1913, procurement and sex offences against girls and women were defined and penalized by sections 2 to 6 of the Criminal Law Amendment Act of 1892 (55 Vic., No. 24). Carnal knowledge of a girl under twelve years of age was punishable by "penal servitude for life or for any term not less than five years, or to be imprisoned for any term not exceeding two years" if committed, and by "imprisonment for any term not exceeding two years with or without hard labour" if attempted. Similar offences against a girl over twelve and under fourteen years of age, or against an idiot or imbecile girl or woman (knowing of her defect), incurred a penalty of "not exceeding two years' imprisonment with or without hard

labour." (Reasonable cause to believe the girl was fourteen years of age was a defence.)

Procuration or attempted procuration of (a) females under twenty-one years of age, (b) females, not being common prostitutes, by means of false pretences, etc., or (c) any females by means of threats, etc., was punishable by imprisonment not exceeding two years with or without hard labour.

Section 9 provided a penalty of two years' imprisonment with or without hard labour for the owner or occupier of premises who knowingly permitted a boy under sixteen years of age to resort to or be in such premises for the purpose of "unlawfully and carnally knowing any female." This section was repeated in the Criminal Code of 1913 (4 Geo. V, No. 28) and is in force now, as section 195.

The Police Act of 1892 (55 Vic., No. 27) introduced a section similar to section 10 of the South Australia Police Act of 1869, concerning the exclusion of boys of sixteen from public refreshment places, but refers to "persons apparently under the age of sixteen" instead of to youths. The description of the premises is more indefinite than in the South Australian Act; "refreshments" are not mentioned, and the penalty (which is the same) applies to "every person who shall have or keep any house, shop or room, or any place of public resort, and who shall . . . knowingly permit" the young persons referred to "to enter and remain therein." Section 65 of the same Act provides a penalty of "not exceeding six calendar months with or without hard labour" for "common prostitutes" who wander "in public streets or highways," or who, "being in any thoroughfare or place of public resort," behave in a "riotous or indecent manner." It will be noticed that this section covers two offences. It is in force at the present time.

The Police Act Amendment Act of 1902 (2 Ed. VII, No. 31), which is read as one with the Principal Act of 1892, introduced a subsection referring to "any person who . . . collects the rents" of premises knowing them to be used for prostitution purposes, in addition to the usual sections dealing with premises

used as disorderly houses, etc., borrowed from or based on the English C.L.A. Act of 1885.

The Criminal Code of 1913 raised the ages in cases of actual and attempted carnal knowledge of minor girls, and increased the penalties. In section 185, "unlawful carnal knowledge of a girl under thirteen" incurs a penalty of imprisonment with hard labour for life, with or without whipping, with a penalty of three years' imprisonment with hard labour, "with or without whipping," for an attempt. Section 188 raises the age of consent from fourteen to sixteen, and adds "with or without whipping," to the 1892 penalty where the girl is under fourteen. The "procuration" penalties of the 1892 Act are repeated.

In 1918 the Criminal Code Amendment Act (9 Geo. V, No. 22) increased the penalty for the offence of carnal knowledge committed or attempted against a girl under sixteen to five years' imprisonment with hard labour "with or without whipping" (the penalty being two years' hard labour "with or without whipping" if the offender is under twenty-one years of age).

The trend of recent Australian morals legislation has been in the direction of increasing the protection of youth, and of extending the protection over a longer period. It is particularly noteworthy that in two States this type of legislation specifically includes boys.

Four States have made some change in their laws dealing with offences by "common prostitutes," and have defined the offence of "importuning" or of "soliciting" "for prostitution purposes" by a "common prostitute."

SOUTH AMERICA

(My information regarding South American legislation is small in amount. With the exception of some extracts from the Argentine Penal Code which I obtained in the Foreign Office Library, no other copies of Argentine or any other State laws

were available, and reliance has had to be placed solely on translations of certain laws given in League of Nations Reports.)

The three South American States chiefly concerned with prostitution have already been referred to in Chapter II. Two of these States have the system of regulation of prostitution and licensed houses (the Argentine Republic and Uruguay).

THE ARGENTINE REPUBLIC

Articles 125 and 126 of the Penal Code (section 3, Chapter 3, published in 1922) deal with the prostitution of minors, or of older girls by means of threats, violence, abuse of authority, or deceit. The wording is closely modelled on the first three sections of Article 334 of the French Penal Code, but the Argentine penalties of imprisonment are more severe, and are inflicted with varying severity according to the youth of the victim; and the Argentine Article makes an addition to the usual list of those "in authority" whose coercion increases the prison penalty ("o que hiciera con ella vida marital").

The fact that the Argentine Article limits protection (except where prostitution is induced by threats, violence, fraud, or abuse of authority) to girls and women under twenty-two years of age, means that "there is no penalty . . . for the offence of procuring a *willing* victim over twenty-two."¹ There is no penalty for living on the earnings of a prostitute, and the courts have held that the 1902 Law for the Expulsion of Foreigners (Law No. 4144)² is not applicable to "traffickers" in women and girls. This makes it difficult to proceed against souteneurs.

Regulation in Buenos Aires (the only town concerning which information was obtainable) is under municipal control. The regulations include a chapter dealing with "The Protection for Women giving up the Practice of Prostitution."

¹ v. League of Nations Experts' Report on Traffic in Women and Children, Part II, p. 11.

² Referring to powers to expel foreigners indicted or convicted by foreign courts, or whose conduct is likely to endanger national safety or public peace.

Women may not be inscribed as prostitutes under the age of twenty-two years. The houses in which prostitutes reside must conform to specified rules concerning decency or be closed temporarily or permanently and the owners fined.

BRAZIL

Legislation against the corruption of minors under twenty-one years of age exists in the Penal Code in Articles 266, 277, resembling Article 334 of the French Penal Code, but with penalties of solitary confinement for terms varying from one to four years.

Article 278 penalizes the maintenance of brothels, and the aiding or constraining of a woman to practise prostitution, the penalty being solitary confinement of from one to three years and a fine of from 1000\$000 to 2000\$000. The same penalty applies to anyone who seduces or inveigles "any woman under age" to prostitute herself, by means of violence, deceit, abuse of authority, etc., or who detains "any woman" of any age in a brothel.

Under the Consolidated Brazilian Penal Laws, 1918, "Any person who removes a woman, whether a minor or not, from her house for immoral purposes, is subject to solitary confinement of from one to four years."

The police have general powers of expulsion in connection with undesirable aliens, and by a Decree of 1921 the Government has powers to forbid the entry of aliens who have been convicted in other countries of procuration, and of women entering Brazil with the intention of practising prostitution; and to expel aliens who have been convicted of procuration.

URUGUAY

Minors are protected by (1) a law of February 24, 1911, which provides for the detention, under control of the Public Authorities, of minors who offend repeatedly against the Penal Code or police regulations; and by (2) the law against procuration

added to the Penal Code in 1927. Under this law prison penalties are attached to the exploitation of another for prostitution purposes by persons of either sex, even with the consent of the victim. Certain circumstances which increase the offence and involve the highest penalties are as follows:

1. If the victim is under the age of fourteen.
2. If procuration is by means of deceit, violence, or threats, or abuse of authority.
3. If the procurer is a police officer, or is parent, brother, teacher or husband of the victim, or (as in the Argentine Code) is living with the victim as her husband.

Regulation of prostitution is controlled by the Police Authority, health inspection of the prostitutes being organized and carried out by the Health Authority, and a register of prostitutes being kept in both departments. Registration is not permitted under twenty-one years of age, except in the case of a married woman.

Under Article 9 of the 1927 law the President may order the exclusion or deportation of aliens who engage in procuration.

In Chapter II South America was alluded to as a centre for traffic in women, and it is natural that special attention should focus on laws dealing with the prevention of entry of traffickers into each State. With respect to the Argentine, law in this direction is, it appears, admitted by the authorities to be inadequate.¹ In both Brazil and Uruguay legislation provides for the denial of entry to, and the exportation of, aliens engaging in procuration.

International Agreements relating to Traffic in Women and Children

With the exception of the Argentine Republic and the United States, all the countries dealt with in this book are parties to the International Agreement of 1904 and the International

¹ See League of Nations Report on Traffic in Women and Children, Part II, p. 11.

Conventions of 1910 and 1921, which deal with the suppression of traffic in women and children between one country and another, and provide definitions of the offences of procuration, enticement, etc., common to the countries concerned.¹

¹ The United States, having no membership in the League of Nations, had no share in the 1904 International Agreement and the Conventions of 1910 and 1921, but Federal legislation exists against the entry of undesirable persons, as has already been indicated in Chapter V.

CHAPTER VIII

THE EFFECTIVENESS OF LEGISLATION RELATING TO PROSTITUTION

THE review of legislation given in the preceding chapter reveals three main facts concerning the development of "morals" law. The laws dealing with what may be termed straightforward prostitution or street soliciting, and the laws relating to the simplest form of third-party interest, namely "living on the earnings of prostitution," have remained static, except in the United States and in Germany; legislation enacted for the protection of the young and of those incapable of protecting themselves has been extended; the most important developments have occurred in laws concerning the wider commercial developments of prostitution. Before coming to a discussion of the effectiveness of this legislation one or two comments must be made.

An important fact which emerges from a study of these laws is the uncertain position, in relation to the law, occupied by those who commit the offence of prostitution. In some of the States of America the offence is a crime; in Germany a contravention, if under certain conditions, of a law enacted primarily to combat the spread of venereal disease; in Great Britain an offence, under certain conditions, against street order (classed in one statute with the rolling of casks or tubs "to the obstruction, annoyance or danger of the residents").¹ In France, "dans le système des lois françaises actuellement en vigueur, la prostitution en elle-même n'est pas considérée comme un délit,"² and it is in fact only an offence in France and in other "regulationist" countries if committed (*a*) without police sanction, (*b*) in areas not permitted by the police, i.e. prostitution is not an offence in itself, the offence consists in, and is punished as, a breach of police regulations. In certain

¹ *v.* Town Police Clauses Act, 1847, 10 and 11 Vic., c. 89, s. XXVIII.

² N. M. Boiron, *La Prostitution*, p. 88.

of this legislation the offence consists in the fact that the prostitute is in a certain place *for the purpose of* prostitution, her purpose being deduced from her actions or from her reputation. This is comparable with laws such as the following: the British law which penalizes "a reputed thief" for frequenting "any river, canal, navigable stream, wharf,"¹ etc., "with intent to commit a felony"; the Massachusetts law referring to suspicious behaviour by a person known as a pickpocket²; the New South Wales law which punishes "a known or reputed cheat" who "loiters in or near any public place," etc.³ It is assumed in these cases that an offence is intended, the assumption being based on (a) the character of the offender, (b) the fact that, possessing this character, such offender is found in a certain place. "The thought of man shall not be tried," said Justice Briand, a mediæval judge, but in cases where the reputation of the alleged offender enters into the offence, the right is claimed to assume the intention to commit an unlawful act, though the act may not in fact be committed, and may not have been intended. Where the previous offences have been crimes, there seems to be some justification for the exclusion of such offenders from places where the crimes are likely to be repeated. In the case of offences as a "common prostitute," her prostitution is (except in the United States) neither a crime nor a misdemeanour, and she may not have committed the offence of soliciting. She is merely in some public place, and though her object may be quite patent, she may quite possibly do nothing except stand near a shop-window. Where prostitution legislation requires the prostitute to "give a satisfactory account of herself," there is obvious reason for requesting her to move away if she cannot give such account, since it is the law that the

¹ Vagrancy Act, 1824, 5 Geo. IV, c. 85, s. 4.

² "A person known to be a pickpocket, thief or burglar, if acting in a suspicious manner, shall be deemed to be a rogue and vagabond," etc. (General Laws of Massachusetts, c. 272, s. 68).

³ "Whosoever . . . being a known or reputed cheat, loiters in or near any public place or place of public resort," etc. (New South Wales Vagrancy Act, 1902, No. 74, s. 4).

"account" shall be given, but here again the right to demand this "account" and to move her rests solely on the fact that her character is known, and is made easier by her own readiness, as a rule, to avoid trouble with the police. In certain of the United States, acts of prostitution or of "fornication" are, as we have seen, crimes, whether committed by man or woman. In such cases it is not a "common" or "known" prostitute whose behaviour is the subject of legislation, it is the offence of prostitution or of fornication committed by any person.

The inapplicability of the bulk of the old laws relating to street soliciting to present-day prostitution must, on reflection, be fairly obvious. So difficult is the wording when applied to modern conditions and situations, that it is frequently impossible to bring a charge which is both just in description and accurate in legal wording. Riotous and indecent behaviour by prostitutes is rare, nor do they, as a rule, importune; a breach of the peace in the accepted sense is unlikely to be caused by the average prostitute, however diligently and even obviously she may pursue her avocation; and the pleasantly worded or silent refusal of her overtures accorded to the prostitute by the average man accosted cannot with any truth be described as annoyance. Nevertheless, it is by the application of wording of this nature to behaviour which is not literally offensive and which is normally most discreet, that the police in Great Britain and most of the British dominions usually arrest women who solicit. The static or almost static condition of this type of legislation is clearly responsible for the inappropriateness of wording as applied to modern conditions.

A further fact concerning the wording of these laws demands consideration. It will be noticed that where legislation has been directed against the third-party aspect of prostitution, there is observable a tendency to give the offence a twofold or threefold character and thereby considerably to limit what would appear to have been the ostensible intention of the law. For example, the League of Nations has drawn attention to the

difficulty placed in the way of obtaining convictions against *souteneurs* by the obligation to prove "habitually" and "wholly" in addition to "living on the earnings."¹ Similarly, in the French law of December 17, 1916, we have *souteneurs* described as those who (1) "aid and assist" prostitution, (2) "habitually," and (3) "with a view to sharing in the profits." In order to establish guilt, therefore, all three factors must be proved. Again, with reference to male soliciting, the word "persistently" is inserted in the English Vagrancy Act of 1898 and in laws elsewhere founded on this Act, and in the Immoral Traffic (Scotland) Act of 1902. To prove persistence has been found to be difficult at times, and the difficulty has been so recognized that one repetition of the offence has been held in some courts to constitute "persistence." Common prostitutes, being relegated to a class, are in any case more easy to legislate against and to regard as habitual offenders than the more hidden *souteneur* or the ordinary offensive male who accosts women. Nevertheless, the need to prove that his offence is "habitual" and "persistent" appears to make rather more difficult the task of establishing proof against these less easily convicted offenders. It seems likely that the explanation of this apparent inequality is inherent in the fact of the classification of common prostitutes as such, with its implication of the repetitive and persistent character of the offence, i.e. it is to be supposed that they could not be thus classified except they had been habitual and persistent offenders.

Such explanations notwithstanding, a fact which must strike the student of prostitution legislation is the isolated position in relation to the law which is occupied by the prostitute. In regulationist countries, she is avowedly a being apart, controlled by rules which at the same time license her to follow her trade. But it is impossible to avoid recognizing the fact of legislative discrimination in non-regulationist countries against the "common prostitute" and what amounts, in certain

¹ League of Nations Report, C.T.F.E., 418.

cases, to her practical outlawry. Discrimination against the prostitute is apparent in laws which make certain behaviour an offence if a common prostitute is the offender, the obvious deduction being that it is not an offence if any other woman or man behaves in a similar way. Outlawry of the prostitute is established in all cases where the "common prostitute" is specifically excluded from the protection of the law. It is perhaps scarcely realized that any members of society are so excluded. Referring to the exclusion of prostitutes from protection against procuration by fraud, under the English Criminal Law Amendment Act of 1885, the following comment was made in the Reply from Great Britain (League of Nations; Report of Committee on Traffic in Women and Children, Part II): "It seems curious that section 3 (2), which deals with procuration by fraud, does not also cover prostitutes."¹

The variations in the laws relating to prostitution, and the indecision which is indicated regarding the inclusion or non-inclusion of the customer, are proofs of the difficulty found in achieving such laws. Their general intention may be summed up as follows: (a) the preservation of public order and decency; (b) the protection of youth from contacts which may lead to seduction or prostitution; and (c) the safeguarding of public health. Views regarding the best measures for attaining these ends vary in different countries, and all such measures are complicated by two main difficulties, one being the fact that prostitutes are regarded by a large section of society as both socially necessary and socially offensive; the second complication being the association of promiscuous relationships with the venereal diseases. The first complication has led in some countries to laws which, while permitting the fact of prostitution, penalize the annoyance which may be caused by the prostitute's practice of her profession, fresh complications arising regarding the amount or nature or actual fact of the annoyance. The second difficulty (that of the association of promiscuity with disease) has led in some countries to the

¹ p. 89.

compulsory medical examination of prostitutes, or of persons "reasonably suspected" of being diseased, or of spreading disease, the only persons usually so suspected being "prostitutes," since they are the only persons whose promiscuity is more or less publicly recognized.

We have now arrived at a point when it seems possible to make some examination of the effectiveness of these laws, and it seems that this can best be done by referring to the evidence regarding conditions in the several countries concerned, as shown in Chapter II, and to the evidence as to the position of "international traffic" mentioned in Chapter V. With regard to the first, and making allowance for its admitted scantiness in one or two cases, the evidence from the several countries has, in general, shown that there appears to be a decrease in the numbers of professional prostitutes and an increase in amateur promiscuity, except in the case of the United States, where increases in both amateur and professional forms of promiscuity seem to have been developed and to be existing concurrently. With regard to the second, a reduction in "international traffic" is reported, evidenced by the complaints of the traffickers that such reduction is taking place. No legal explanation has been offered for the reduction in the ranks of professional prostitutes. The chief explanation suggested—where an attempt at explanation has been made—has been the appearance, to an increasing degree, of a rival and amateur form of promiscuity, with its attendant reduction in the male demand for professional prostitutes.

If we accept this suggested relation of cause and effect, as seems reasonable in view of the unanimity of experience recorded by qualified witnesses, and of the facts examined, it implies acceptance of an amount of apparent legislative failure in relation to sex morals which requires examination. Are we to impute such apparent failure to some failure in the quality of the "morals" legislation itself, or to some breakdown in its application, or to both?

So far as the quality of the legislation is concerned, it seems undeniable that the greatest increase in general promiscuity

has occurred in the country whose legislation touches not only public morals but seems directed more searchingly than elsewhere towards the control of private sex behaviour. But in addition to this apparent connection between stringent law and an increase in the very behaviour against which it is aimed, there is discernible elsewhere what appears to be something negative in the relation of law to the reduction in professional prostitution, i.e. the reduction seems attributable, if not exclusively, at least in large measure, to an influence quite outside the influence of law.

If we now turn to the question of possible failure in the application of legal measures, it is possible to quote certain comments on such failure which may be illuminating. They have been made with reference to certain of the countries whose laws have been studied in Chapter VII.

Referring to the *United States*.—"Fornication, for instance, has been a punishable offence since the early years of colonization; it is in some form a crime on the statute books of three-fourths of the American States. Nevertheless, it is 'practically impossible in most jurisdictions to obtain the arrest, much less the conviction of persons of mature age guilty of fornication, unless the offence is accompanied by such repetition or openness as to make it notorious.'"¹ "Our law enforcement machinery is suffering from many infirmities arising out of its technicalities, its circumlocutions, its involved procedures, and, too often, I regret, from inefficient and delinquent officials."²

Brazil.—"Houses in which prostitution is practised were found to be scattered throughout Rio de Janeiro. Each section of the city has its own segregated district . . . resorts are in fact clustered together in true segregated style. This arrangement does not only apply to the poor sections of the city, but also to the localities wherein are situated the best-class resi-

¹ Geoffrey May, *Social Control of Sex Expression*, pp. 204-205, quoting from Howard Woolston's *Prostitution in the United States*, p. 229.

² President Hoover, quoted in Report on "Lawlessness in Law Enforcement," p. 1.

dences."¹ This statement should be compared with Article 278 of the Brazil Penal Code.²

Canada.—"Certain towns still possess brothels open to the public, as were found in Montreal. The Royal Canadian Mounted Police stated that Prince Rupert had a large district containing approximately a score of brothels; that Nanaimo had five houses and that Rossland had two. In the last-named city the two houses were said to be kept open in accordance with public policy."³ This statement should be compared with Articles 225, 228, and 238 of the Canadian Penal Code.⁴

Australia.—Reference may also be made to those Australian laws which provide for compulsory treatment of all persons suspected of spreading venereal disease. Discussing the working of these laws, (1) in New South Wales, and (2) in Queensland, Dr. Helen Wilson reported: (Of New South Wales), "When a patient does not continue treatment, a letter is sent requiring him to resume. In New South Wales, during one year, 1,113 persons were written to; 602 of these letters were returned through the post, the addresses being false." (And of Queensland), "If patients do not attend for treatment, the help of the police is sought, but more than 50 per cent. cannot be

¹ League of Nations Report of Committee on Traffic in Women and Children, Part II, p. 35.

² Article 278 of the Brazil Penal Code provides a penalty of solitary confinement from one to three years and a fine of from \$1,000 to \$2,000 for the offences of "maintaining or exploiting brothels, admitting into a house persons of opposite or the same sex who meet there for immoral purposes, giving assistance in the trade of prostitution," etc.

³ League of Nations Report of Committee on Traffic in Women and Children, Part II, p. 41.

⁴ Under Article 228 of the Canadian Penal Code a penalty of a fine of two hundred dollars or imprisonment for a period of not more than two months, or both fine and imprisonment, is incurred by anyone who knowingly permits premises to be used "for the purpose of a disorderly house" while acting as landlord, tenant, occupier, etc., of such premises; while anyone found without lawful excuse in such house is liable to a maximum fine of one hundred dollars and costs or two months' imprisonment in default. Article 238 provides a maximum fine of fifty dollars or a maximum prison sentence (with or without hard labour) of six months, or both, for "loose idle or disorderly persons," under which designation are included the keepers of disorderly houses or those who are "in the habit of frequenting such houses" who cannot give a satisfactory account of themselves.

found.”¹ The comment may be made, that in any case, with an increase in hidden promiscuity, such prophylactic measures would be likely to fail.

With regard to *Great Britain*, reference has already been made to the innumerable cases of failure in the application of the Criminal Law Offences Act in cases of criminal and indecent assault on little girls. One example of such failure may be quoted, which was referred to, in their report, by the Sexual Offences Committee.² This was the case of a man against whom cases were brought of such assaults in three years against six little girls, whose ages were five, seven, three, six, three and a half, and four. The first five cases resulted in acquittal or dismissal. In the last case, a conviction was obtained, and the man sentenced to twelve months' hard labour. This form of offence rarely meets with the severity provided by the Criminal Law Amendment Act; the possible failure to achieve its purpose which seems the frequent result of extreme severity in legislation has already been noted, for we have recognized that the oppressive and almost fierce severity of much of the American "morals" legislation appears merely to have resulted in a general shifting of the action from visible to invisible and therefore more secure situations.

A hesitation to inflict the rigours of very severe legislation accounts for a proportion of its failure in application, but we must search in a wider field than among those who administer the law in order to examine the real significance of legislative ineffectiveness, a field which is indeed no other than the vast field of public opinion. "In the long run, general sentiment and opinion control not only the finding and making of law, but its enforcement."³ And it is possible to trace the workings of this general sentiment in the legislative and social tendencies we have noticed. Certain protective legislation has progressed, and we have seen that the most gross form of commerce in women and young girls is being reduced. Judging

¹ Article in *The Shield*, July 1931, p. 154.

² Cmd. 2561, 1926, p. 46.

³ E. Monroe Smith, *General View of European Legal History*, p. 335.

by the nature of the public reaction to the League of Nations Reports on traffic in women and children, and by the general condemnation of the victimization resulting from commercial greed which those Reports have exposed, there is some force of public opinion behind the measures whose results the "traffickers" have already begun to feel. But public opinion appears to reveal itself no less in the static condition of the bulk of prostitution legislation which seems most clearly to reflect a social belief in the permanence of the demand for the services of prostitutes. Again and again this prevailing belief in male needs for such services discloses itself as the main foundation on which the whole fabric of prostitution is built. Against this belief it appears that legislative measures can achieve little else but the maintenance of a "public order" which civilization demands.

CHAPTER IX

CONCLUSIONS

IN studying the prostitution problem, it becomes clear that we deal, not with a single problem, but with a system of problems centred around the fact of sex promiscuity, and touching social life on many sides—economic, medical, penal, commercial, spiritual. So involved are the associated problems that the persistence of the central fact becomes merged in their intricacies. But in this persistence lies our main problem; i.e. the persistence of the custom of prostitution, surviving all the processes of choice and rejection by which man gradually builds up the successive ethical standards which mark his social development. The attempt to study the phenomenon of this persistence has led to certain discoveries.

We have endeavoured to trace the causes which appear to be those which, in civilized society, lead to the practice of promiscuity,¹ and it is apparent that no single cause or group of causes need inevitably lead to prostitution practices. That they frequently do so may be traced, as we have seen, to a prevailing social belief, concerning the truth of which there are contrary opinions. If there is any truth in the analyses of cause and effect attempted in these pages, there seems no social reason why prostitution should continue and many social reasons why it should not. It seems clear that there is no real "prostitute type" or universal "male demand" in the sense traditionally implied. It seems, rather, that there are pathological groups of both sexes, and that these groups are enlarged by the inclusion of men and women whose sexual demands are produced artificially or by temporary exaggerations due to unequal physical development or to social conditions. In the pursuit of our investigation we have discovered that the prostitution problem is altering, and that professional prostitutes are losing custom and decreasing in numbers while

¹ The statement that prostitution exists only among civilized peoples cannot be made without research too lengthy for this book.

amateur promiscuity is increasing; and that coincidentally there is, in some countries more than in others, a trend towards temporary liaisons and an unfavourable attitude towards permanent marriage. The coincidence of these two tendencies calls for attention. There is nothing new in the idea that marriage and prostitution are related to each other; there exists a definite belief that the custom of prostitution is the corollary to permanent marriage customs. So definite, indeed—not merely in the public mind, but, as it appears, in actual fact—is the relation between prostitution and what is alluded to publicly as “the present marriage crisis” that it seems appropriate here to discuss what the “marriage crisis” actually is. In plain terms, it is the public criticism directed against the institution of permanent monogamous marriage on the ground that such marriage frequently results in the legal binding together in unhappy life-long association of persons who may prove physically, mentally, or temperamentally unsuited to each other; and, further, that monogamous marriage fails to meet the sexual needs of the male partner at least. On closer analysis the “marriage crisis” is seen to have at its centre a conflict between two opposing points of view regarding what both sides in the conflict allude to as the “new morality.” It is necessary therefore to determine the nature of the “new morality.”

Stated briefly, the “new morality” consists in the view that temporary unpaid sex relations outside marriage are not merely permissible but desirable, not only as preparation for marriage or without prospect of marriage, but during marriage itself and with the knowledge and acquiescence of the marriage partner. Perhaps the most important and certainly the best known of the individual supporters of this theory is Mr. Bertrand Russell, and it will help to a clearer understanding of the point of view if some examples are given of the opinions he has expressed in writing.

Mr. Russell advocates trial marriage on the ground that “it seems absurd to ask people to enter upon a relation intended to be life-long, without any previous knowledge as to their

sexual compatibility. It is just as absurd as it would be if a man intending to buy a house were not allowed to view it until he had completed the purchase."¹ And "there is a great mass of evidence to show that the first experience of sex should be with a person who has previous knowledge."² He does not rule out the idea of a permanent marriage tie, under certain conditions, i.e. "children, rather than sexual intercourse, are the true purpose of marriage."³ And "sex relations *which do not involve children*"⁴ should be a purely private affair."⁵ But his idea of a permanent marriage relationship implies only that the parents of children should, by the permanence of their social relationship as man and wife, provide a suitable environment for the upbringing of their offspring; and while it should be expected to be life-long, it "is not to be expected to exclude other sex relations."⁶ "Husband and wife will find something infinitely precious in this companionship . . . even if either or both feels sexual passion for someone else."⁷ And although Mr. Russell feels that "any person who appreciates what time can do to enhance values will not lightly throw away such companionship for the sake of new love"⁸ he holds nevertheless that husbands and wives must learn to understand that "whatever the law may say, in their private lives they must be free."⁹ Mr. Russell's views with regard to non-marital sex relations are best illustrated by the following allusions to the sex needs of both men and women: "If a young man remains chaste, the difficulty of control probably causes him to become timid and inhibited, so that when he finally marries he cannot break down the self-control of past years, except perhaps in a brutal and sudden manner, which leads him to fail his wife in the capacity of lover."¹⁰ "For the large class of women who, as things are, must remain permanently unmarried, conventional morality is painful and in most cases harmful. . . . A woman who has had no experience of sex and has considered it important to preserve her virtue has been engaged in a

¹ *Marriage and Morals*, p. 132.

² *Ibid.*, p. 132.

³ *Ibid.*, p. 133.

⁴ Italics mine.

⁵ *Marriage and Morals*, p. 132.

⁶ *Ibid.*, p. 114.

⁷ *Ibid.*, p. 114.

⁸ *Ibid.*, p. 115.

⁹ *Ibid.*

¹⁰ *Ibid.*, p. 220.

negative reaction tinged with fear, and has therefore as a rule become timid, while at the same time instinctive unconscious jealousy has filled her with disapproval of normal people and with a desire to punish those who have enjoyed what she has forgone."¹

It is impossible not to recognize in the proposals embodied in the "new morality" a series of difficulties and objections which do not seem to be faced by its protagonists. If we take the idea of "trial marriage" and subject it to scrutiny we must inevitably be forced to the conclusion that there is no real test of marriage itself in any avowed "trial marriage," for this reason. There is in the marriage relationship a natural waxing and waning of the "sex attraction" element in the relationship. During those periods when it is less active, a happily mated pair learn the process of living together; they discover the comradeship, the mutual give and take and the understanding which form part of their relationship. A temporary and avowedly "trial" episode can take no real account of this stable element in married love, and when the first period occurs when actual sexual attraction is less vivid, the natural impulse on one or both sides is to break away from an alliance whose charm appears to be decreasing. The recurrent return of the warmth of sexual attraction, the real pattern of married life which is composed of those alternations of glowing attraction and of intimate friendship and mutual responsibility, can never be discovered in brief experimental episodes. The inmost value and joy of happy marriage is a growing thing, and needs time, patience, and continuity to come to perfection. Trial marriages can scarcely be expected to be more than experiments which are mainly—though not, of course, invariably—physical. Moreover, in temporary episodes, whether undertaken as trial marriage or purely for the sake of the physical or mental satisfaction which may be derived from them, it is impossible to avoid (as has already been pointed out in Chapter III) what amounts in practice to actual promiscuity. And, excluding the ever-present possibility of disease infection which is attendant

¹ *Marriage and Morals*, p. 221.

upon all variety in sex relations, there is the danger, which may not always be recognized, of making such experiments from a completely hidden desire for self-indulgence. What Dr. F. W. Foerster has described as the "self-conscious cult of the erotic"¹ is not always recognized by those who profess merely to follow the simple promptings of "nature." And it may be suggested, further, that since sex intimacy into which passion enters does, by its very nature, profoundly affect the whole personality² it seems likely that a series of "love" episodes, in each of which it is to be supposed that an element of passion is involved, with different people, must result in disturbance of the emotional system in those who experience them. Nor can anyone who awakens the passion of sex love escape responsibility if, retreating from such experiment to seek fresh experience, he or she leaves behind them a tragedy of emotional or physical desolation which the sufferer knows not how to meet or to assuage.

But there are certain extra-marital sex relationships favoured by the "new morality" to which these arguments do not necessarily apply, and which—though neither promiscuous nor in the nature of "trial marriage," may yet be said to supplement the need for prostitution and must therefore be included in this survey. Concerning these relations, which occur between couples who are entirely faithful to one another without being married, the question is asked, "Why not? Why, if we find it mutually beneficial, comforting, gratifying, or stimulating, should we not have sex experience together without being married? There is no danger of disease, since it is between ourselves alone. There is no question of children, because we take precautions against such consequences." While another group asks the question, "Why any marriage tie? We regard our relationship as intimate and binding enough without resorting to any official and public bond, which we regard as a desecration." These questions must be faced as seriously as they are propounded. And their serious consider-

¹ *Marriage and the Sex Problem*, p. 163.

² See Dr. Herbert Gray, *Sex Relations without Marriage*, p. 8.

ation, moreover, should exclude the theory that such relationships are (to quote an adjective used by one speaker when discussing the subject with the writer) by their nature "impure." To many of us, indeed, it must appear that there exist "halowed unions" recognized by Church and State, to which the adjective might be more justly applied than to certain extramarital alliances.

But the purpose of these relationships may fairly be challenged. If they occur as brief episodes undertaken for temporary satisfaction, there is implied in such occurrence the use by one or both individuals of the person of another solely for the purpose of gratification, a use to which no human being has the right to subject another.¹ If they are practised more permanently, the challenge may also take another form. Let it be granted that sex intercourse has dual and separable purposes and results, namely the procreation of children and the enhancing and developing of mutual love and personality. In neither case can the act of "living together" be the private affair of the two individuals concerned. There is reason—admitted, as a rule, even by the exponents of "free love"—for publicly acknowledging by a permanent tie the obligation on parents to provide together the environment of home life for the children they bring into the world. But even where children are not concerned, there can be no escape for any of us from the obligations inherent in the fact that man is not only a possible progenitor of fresh life and an individual possessing personal and individual characters, but also a member of one or more social groups. Living in a society produces the result that individual actions have consequences which concern many more persons than the individuals who actually perform them, which means that actions should be governed by a consideration of the society in which they are performed, and of the fact that members of that society are perpetually at different stages of development. Advocates of complete freedom to form sexual alliances without public acknowledg-

¹ This applies equally, of course, to homosexual practices (and, it has been suggested, to some marriage relationships).

ment of obligations mutually incurred, would do well to consider the consequences which might be expected to follow the practice of such freedom throughout all social strata. There would then be little difficulty in recognizing that the social ban which rests on such relationships is founded on a conviction that such freedom is not socially beneficial. And, moreover, that a ban could not be raised for a privileged group which society has imposed for the general good. Speaking generally it may be said that an action may become anti-social when adopted wholesale though originally conceived and practised, from what has appeared to him to be the highest motives, by an idealist. And speaking more particularly, there is a cause, quite beyond the reach of pure argument, but associated with the fact of man's dual nature, which makes the use of the sex instinct of the very highest importance socially as well as individually. To this we shall refer shortly.

An entirely negative attitude towards the "new morality" school of thought is neither useful nor indeed justifiable. There is, in fact, much value in the talk of which it is the centre, and very real importance attaches to the ventilation it has given to the new recognition by women of the value of sex experience, and the probable effects of this new valuation on marriage. For there has existed, at least to an appreciable extent, an explanation of the frequent failure of permanent marriage in the attitude of both husband and wife to the wife's part in the complete marriage relationship, an attitude for which men and women are alike responsible, though it has, in the woman's case, been largely induced by the fetters of social tradition. Marriage has meant for unnumbered women an obligation to submit to sex relations, claimed as a right by the husband in return for the provision of the wife's economic needs. The very term "marital rights" carries with it the implication of an enforceable demand, and this implication is itself sufficient to damage most seriously the delicate mental and physical interplay which is the natural introduction to sex union of the higher type. When, added to this, there has been the traditional negative attitude of women towards the sex relation,

or the insistent or excessive demands, irrespective of his wife's wishes, on the part of the husband, the inevitable result has been suffering for both in a relationship which demands the most complete harmony. It is impossible to avoid seeing in this situation, repeatedly occurring, some explanation at least of the patronage of prostitutes by married men, in the endeavour to find some mutuality in the sex relation, which successful prostitutes may at least simulate. While to the wives, each enforced episode must necessarily be an outrage, the results being frequently encountered in doctors' consulting rooms, or, unrecognized, among those feminine failures whose inadequate response to life's demands are commonly attributed to mere female incapacity. Although, therefore, the views of the "new morality" advocates appear to be strongly permeated by the fear of losing the actual physical pleasures of sex,¹ the searchlight which has been brought to bear on the relationship of marriage, and the penetrating criticism to which the institution of permanent marriage has been subjected, have brought results of very great importance. A new conception of marriage has come into being, in which the object is the real mating of two independent personalities. Marriage under conditions of mutual understanding and equality is likely to produce something infinitely more valuable socially than the harnessing together of two unequal partners, for the development of personality resulting from completely harmonious marriage constitutes a definite contribution to social development. Furthermore, with this new conception of marriage is inevit-

¹ As to which cf. Mrs. Chance: "To miss sex enjoyment is not to miss the joy of life nor to miss the best of life. . . . There are people who live serene lives without sex. They find life full of interest, excitement and fulfilment" (*The Cost of English Morals*, pp. 49, 50). See also Dr. Paul Bjerre: "The mere fact of a lack of sex satisfaction should not lead us to take a sceptical view of marriage. One sees beautiful harmonious marriages where the wife is cold and where the husband on that account lives in sex discomfort. Both the partners have learned . . . to strive to reach a harmony all the greater in other respects. And one also sees cases of marriage developing into regular infernos and ending in dissolution, although the physical aspect of the union left nothing to be desired" (*The Re-making of Marriage*, pp. 197, 198).

ably growing the recognition that the relationship of marriage is, in its true perfection, difficult to attain and only to be achieved by deliberate and mutual will and effort and the unselfish recognition of the needs of both.¹ It is in their failure to face the fact and the value of difficulty that the exponents of the "new morality" appear to be inadequate. And it seems likely that their own advocacy of the easy path to gratification will defeat its own ends, since the process of attaining sexual intimacy and companionship in its higher forms predicates the meeting and overcoming of some form of hindrance or difficulty, and "when these resistances are lacking, sexuality tends to lose its charm."²

Much of the present-day preoccupation with sex matters must clearly be, to some extent, a reaction from the old narrow view which treated sex as a dark mystery which had no place in decent life until marriage. The reaction is violent, for repression has been great, and the pendulum must swing as far in the new direction as in the old. Moreover the situation is complicated by the suddenness with which the status of women has been altered, and the uncertainty of their adjustment to new claims and possibilities. But in the midst of the exaggerations which reaction tends to bring, there is emerging the important recognition of sex as the great creative force and therefore that the persistent urge which may lead to

¹ It may be at times too difficult to achieve. And it seems possible that such contingency might be met by making divorce or "cessation of marriage" easier for those who, not lightly or precipitately, but after due thought and consultation following on sincere effort, have found that their marriage is mutually damaging to their own lives or to their offspring. It does not fall within the scope of this book to discuss the solution to such problems, but this seems the place in which to draw attention to the value of such an institution as the "centre" promoted in London by Mrs. Chance. To this "centre" couples may resort for advice concerning their marriage problems, emotional or physical. It seems likely that experienced advice during periods of disharmony might go far to avert many marriage crises where these are due to ignorance or other removable cause. But the recognition of the need for mutual will and effort and unselfishness will in all cases be necessary.

² J. C. Flügel, "Biological Basis of Sexual Repression," *British Journal of Psychology: Medical Section*, Vol. 1, p. 249.

the search for sexual outlets, leads also in many other directions.

The point at which we have now arrived seems to be the point at which further consideration may be given to the persistence—through all vicissitudes—which is the real heart and centre of the problem of prostitution. This persistence has been very largely attributed to the supremacy of male rulers and law-makers, and so far as the enforcing of regulated and organized prostitution is concerned this seems to be a correct view, demonstrated by the fact that in most countries where women have, by their possession of the suffrage, a voice in the making of laws, the regulation of prostitution does not exist. But since a study of the prostitution laws themselves has revealed their dependence on the persistence of a social belief in male needs, it is necessary to concentrate attention on this social belief and on the powerful urge which lies behind it. If we examine their relationship it seems clear that what has actually happened has been the gradual establishment of a tradition founded on the isolation and emphasis of the sex instinct. As a result of this emphasis—and its tendency to be associated almost entirely with one aspect of sex—a belief has developed that, whereas in the rest of the animal world periods of intense activity, for reproductive purposes, alternate with periods of quiescence, the function of physical sex in man is continually demanding expression. It is true that in the normal human species the instinct is never in abeyance; it is true, also, that in normal man it is (in some individuals more than in others) very easily roused to physical manifestations, and that knowledge of this fact has conduced to the commercial exploitation already mentioned. But if, by the removal of this over-emphasis, the sex instinct be allowed to fall into its place in the rhythm of the whole human organism, the further and wider purposes which it fulfils are more clearly perceived. Recognition of the fact that the urge of sex is the urge of creativeness, with uses for social and not only for reproductive or personal ends, entails recognition of the twofold aspect which this fact bears. For since the individual pressure of this

instinct may be directed to social uses, it follows that its exclusive or excessive use for personal ends may entail some social loss¹; that there may be, in fact, a constant competition between its individual and social uses, manifested in the social retrogression and decay which have overtaken nations practising excessive voluptuousness no less than in the intellectual slowing-down which follows individual sexual exhaustion.

If this be so, there is indicated the need, on occasion, for a deliberate canalizing of the creative energy in the direction of other than sexual purposes. Such a process is in fact achieved without deliberation, and with no conscious effort by numberless persons, though for many others the process is hard, and the claims for personal use seem almost irresistible.

To recognize that the process of redirection is difficult is to recognize an essential element in the whole process of evolution and progress, the history of which is one long record of struggle and defeat, of struggle and achievement, in the attainment of fresh levels or of fresh powers. But by abandoning the old exaggerated and negative attitude, with its characteristics of shamefacedness, nervousness, or defiance, according to the temperament of the individual, we shall work with, instead of against, the great instinct of sex. And the struggle will be less bitter as we come to realize the united co-operation of mind and body which such redirection demands, and as we learn to recognize in the thrill of joy in strenuous work and achievement, the authentic manifestation of creative passion itself. To some it appears possible that "even if no Ghostly Presence blesses his efforts"² man should "himself attempt creation, out of to-day, of a more glorious morrow."³ To others it appears that this very passion for creation betrays man's alliance with a Power greater than himself. If we look to the future we may see some significance in the present coincident preoccupation with new concepts of sex and with religion. The relation between religion and

¹ It is proposed to examine this theory at greater length elsewhere, since it cannot be dealt with adequately here.

² Mrs. Janet Chance, *Intellectual Crime*, p. 153.

³ *Ibid.*, p. 154.

sex seems indeed undeniable; one may appear in the guise of the other; both may be put to more debasing uses than almost any other influences; but (excluding the parental selfless care for offspring) both are the greatest powers for the promotion of ideals projected beyond self.

No attempt can be made in this book to suggest any religious point of view. But this at least we do know, that there is that in man which makes him eternally dissatisfied with easy achievement. Throughout the centuries, he has dug out, with many halts, with retrogressions, or with sudden forward movements, a road towards an ideal which transcends egoistic claims. It may be that the present time is the eve of a new phase in this agelong pressing forward.

~~"καλαπα τα καλα"~~¹

¹ Greek proverb.

Should read. "καταπα τα καλα"

(J. R. W.)

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APPENDIX

As this book goes to press, news has come to hand that certain cities in Germany are re-establishing the system of regulation of prostitution which the law of 1927 swept away (*v.* pages 62, 130). Confirmation or denial of this news is impossible to obtain at present; but references in this book to the present legal position of prostitution in Germany must be read with full recognition of the fact that the legal position may, under the present regime, have already been altered.

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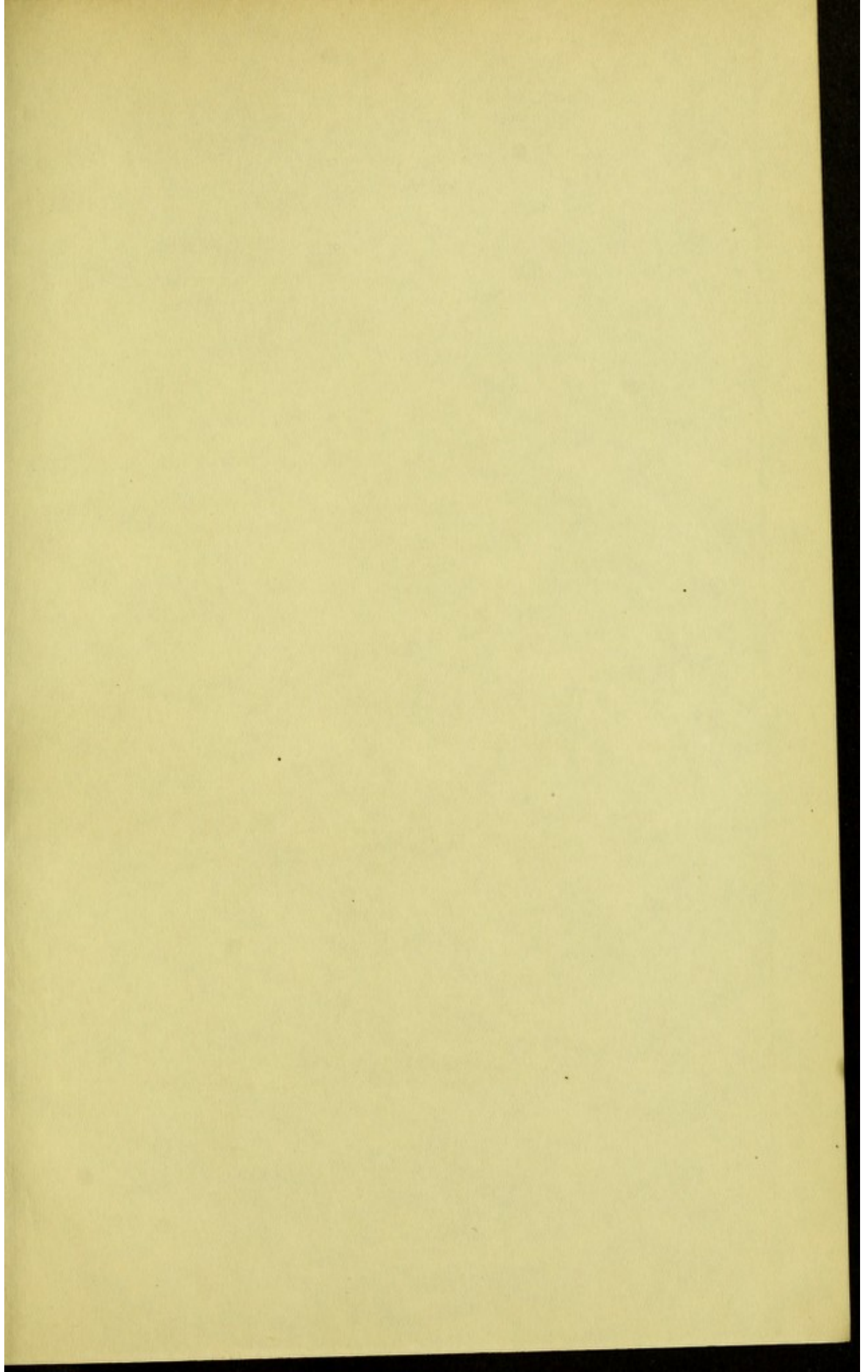
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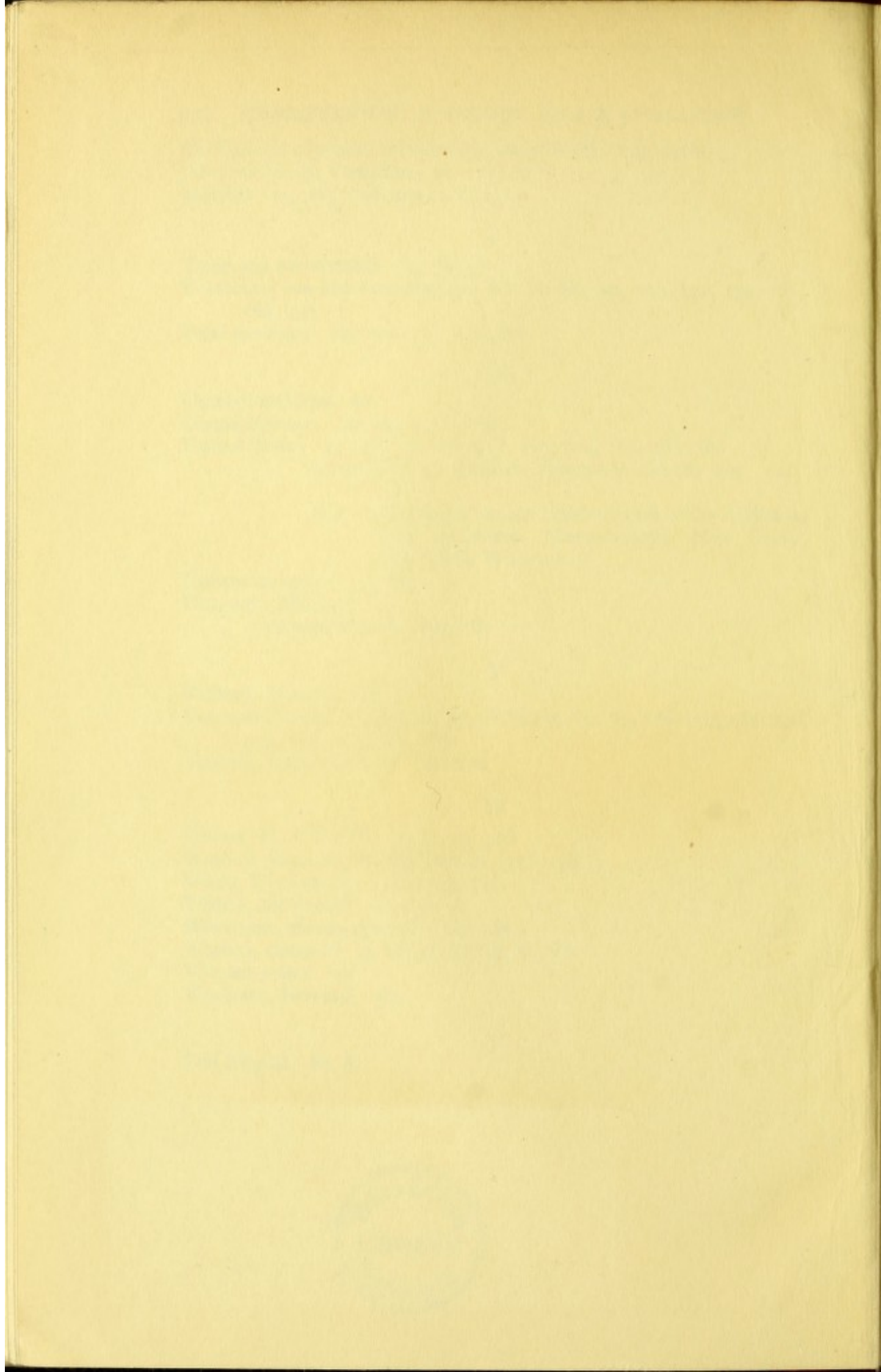
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