

**English and French medical opinion on the immoral, despotic, and useless laws for the sanitary regulation of vice, known as the Contagious Diseases Acts, 1866-69.**

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# ENGLISH AND FRENCH MEDICAL OPINION

ON THE

## IMMORAL, DESPOTIC, AND USELESS LAWS FOR THE SANITARY REGULATION OF VICE, KNOWN AS THE CONTAGIOUS DISEASES ACTS, 1866-69.

THE "MEDICAL TIMES AND GAZETTE," Sept. 22, 1869:—  
"There is nothing which would tend more to deprive medicine of the rank of a respectable calling, than the fact that practitioners should be found willing to lend themselves to the dirty work of examining prostitutes in order to enable them to carry on their trade. If the heads of the profession or the colleges ever desire an opportunity of protecting their members from degradation, here is one."

THE "EDINBURGH MEDICAL JOURNAL," Nov., 1877:—"In no country in modern times has prostitution been so much inspected and controlled as in France; and yet in no other country has there been such a steady diminution in the number of the people and a progressive degeneration of race."

THE "MEDICAL ENQUIRER," 1878:—"The outrage upon the woman (sanctioned by these Acts) is nothing less than diabolical. . . . Nothing so intrinsically wicked, nothing so outrageously indecent, nothing so dangerous has ever been sanctioned by a British Parliament before, and it is simply impossible to understand how any decent race of men can consent to endure it for a day."

PROTEST OF EIGHT HUNDRED MEDICAL MEN:—In 1871, 800 physicians and surgeons signed the following protest: "We, the undersigned physicians, surgeons, and general practitioners of medicine in the United Kingdom, *after due consideration*, hereby record our solemn protest on religious, moral, social, and sanitary grounds, against the application of the Contagious Diseases Acts to the women of this country. We consider the measure fraught with a large amount of mischief, and calculated to do no good."

TWO HUNDRED MEDICAL MEN in Birmingham, Nottingham, Dudley, and Scarborough have testified as follows:—"We consider that such a harsh, unconstitutional, un-English, and unjust measure is less to be defended on the ground of expediency and necessity at the present time, than during any former period of our history."

REV. SAMUEL HAUGHTON, M.D., D.C.L., SCHOOL OF PHYSIC, TRINITY COLLEGE, DUBLIN:—"It has been coolly taken for granted that the whole medical profession is on the side of these Acts. Speaking for myself, I regard such an inference as an insult. It is a deliberate slight to regard the silence of medical men as implying consent. . . . The principle on which the Acts are based is, a recognition of the trade of public women as a legitimate calling, provided that it be exercised without damage to public health. This principle is contrary not only to the Christian religion, but to public policy. It goes to the very root of civilization. No intelligent heathen who had the elementary laws of morality in his mind, would ever have admitted that principle openly."

REV. T. H. GREGG, D.D., M.D. :—"I was very much in favour of these Acts at one time on medical grounds. . . . I have since looked more fully into the subject, and am now strongly opposed to this legislation."—1878.

THE LATE HOLMES COOTE, the eminent surgeon of St. Bartholomew's Hospital, and a member of the Royal Commission on the Acts (1871), declared that—"The earnest men who met some years ago to originate the movement which terminated in the passing of the Contagious Diseases Act, had little idea of the use that would be made of their labours and advice. As one of those who took an active part in all that then transpired, I loudly maintain that the idea of the compulsory examination of women, their enforced subjection to the police, their exposure to the penalties of registration and imprisonment, were views which would have been scouted by the gentlemen who met to devise means of giving shelter and protection to unfortunate females." (After his experience as a Royal Commissioner on these Acts, this gentleman joined the Executive Committee of the National Association for the Repeal of the Acts.)

THE LATE JAMES MILLER, F.R.S.E., PROFESSOR OF SURGERY IN THE UNIVERSITY OF EDINBURGH :—"The medical man must be conjoined with the policeman in this dirty and degrading work. . . . Is this work for an educated gentleman? for a member of a liberal and enlightened profession?"

JOHN SIMON, C.B.; F.R.C.S., PRESIDENT OF THE ROYAL COLLEGE OF SURGEONS; LATE MEDICAL OFFICER OF THE PRIVY COUNCIL, &c. :—"As regards our power of preventing contagious diseases, by such a superintendence of prostitution as is proposed, it is certain that no appreciable good would be got except with much organization, and at very large costs of money; and there are strong reasons for believing that the gain so purchased would, on analysis, be found to belong very predominantly to those kinds of contagious diseases in which the community has little or no permanent interest. . . . And recognising how incomplete is hitherto our sanitary system, and particularly how little pressure is yet put on local authorities in matters of far more general importance to life; recognising, for instance, that it is almost entirely a question of private charity, whether fever hospitals exist in a town, and that such hospitals are most insufficiently provided; *I cannot but think that, during this state of things, compulsory legislation in the present matter would be a disproportion not to be justified.*"—(Extract from Report to the Privy Council on the Proposed Extension of the Acts to the Civil Population.)—1869.

C. H. F. ROUTH, M.D., CONSULTING PHYSICIAN FOR DISEASES OF WOMEN, &c., LONDON :—"The moral ground is with me the strongest point against these Acts, and I cannot imagine how medical men overlook this. . . . The immorality and unconstitutional nature of these Acts must ultimately raise such a storm that no minister will be able to stand who gives them his support."—1878.

W. BURNS THOMPSON, F.R.C.S., SUPERINTENDENT OF THE MEDICAL MISSIONARY TRAINING INSTITUTION AND DISPENSARY, EDINBURGH :—"I have done professional duty for fifteen years, in the districts usually supposed to suffer most from such ailments, and for ten years have stood at the head of the Edinburgh Dispensary, where I had good

opportunities of knowing the prevailing diseases, and I can only say that the representations given by the advocates of these Acts are to me perfectly unintelligible; they seem to me to be gross exaggerations."

J. BIRKBECK NEVINS, M.D., M.R.C.S., LATELY LECTURER ON MATERIA MEDICA, LIVERPOOL ROYAL INFIRMARY SCHOOL OF MEDICINE, CONSULTING PHYSICIAN TO STANLEY HOSPITAL, &c. :—"In England the examinations are fortnightly, and refusal to appear entails imprisonment with hard labour. In Berlin, if the women do not come up for examination *they are beaten with a stick!* . . . Now, it is admitted in the Report of the Royal Commission of 1871, that, '*there was no distinct evidence that any improvement which had occurred in the health of the army and navy since the Acts were enforced was due to the periodical examinations.*' . . . Since that Report was issued, several years have elapsed, and the failure of the Acts continues to be manifest, for the improvement has got less every year; hence the Acts must be acknowledged to be a signal failure by everyone who will take the trouble to examine their working."

CHARLES BELL TAYLOR, M.D., F.R.C.S., LATE PRESIDENT OF THE PARISIAN MEDICAL SOCIETY :—"The persistent policy of the promoters and would-be extenders of these laws, has always been to present only one side of the question to the profession and the public. . . . The medical and general press are, as a rule, most careful to exclude all evidence supplied by scientific opponents of the Acts. . . . The truth is, that such despotic measures are utterly useless so far as the repression of disease is concerned; and what has been already stealthily legalised in England and Ireland has been against the judgment of some of the first physicians and surgeons in the world, and is confronted by disclosures from abroad which exhibit that efforts at police control not only fail to stamp out disease, but breed evils so monstrous and horrible that our own ills are not to be named with them."

PROFESSOR BERRY, F.R.C.S.E., PRESIDENT OF THE MIDLAND MEDICAL SOCIETY :—"The evil principle upon which these Acts are founded is, the legalisation of prostitution in women as a trade, provided it can be exercised without damage to the public health. Now a more vicious principle cannot exist. It is contrary to the spirit of Christianity, and to the true spirit of public policy. There is no Act which shows more plainly the sex that framed it, and a more one-sided law was never enacted."

FREDERICK ROW, M.D., CONSULTING SURGEON, ROYAL ALBERT HOSPITAL, DEVONPORT :—"This gentleman, although favourable to some kind of legislation, said: "The whole system of the Contagious Diseases Acts is a monstrous tyranny over women, and a gross perversion of everything which can be called justice."

MEDICAL PROTESTS FROM IRELAND :—"In 1871, forty-five Medical Men in DUBLIN signed a protest against these Acts, and amongst them, ALBERT J. WALSH, F.R.C.S.I., *the President*; J. H. WHARTON, L.R.Q.C.P.I. and F.R.C.S.I., *ex-President*; and CHARLES BENSON, M.D., *ex-President of the Royal College of Surgeons*. In BELFAST, in 1875, forty-four medical men, including many most eminent physicians and surgeons, petitioned Parliament, stating "that they regarded the Acts with deep regret, on the ground that they are obviously immoral, unjust, and unconstitutional, and a virtual license of

one of the worst forms of vice." They also "urgently" prayed for prompt and total Repeal, and asked Parliament "not again to legislate in any form whatever for the same object, nor to seek in any way to deal with the evils of prostitution, unless by laws which are equal and just towards both sexes."

FREDERICK W. JAGO, M.B., M.R.C.S., PLYMOUTH:—"A blacker, more cowardly, unmanly Act of Parliament never disgraced the Statute Book. In proof that these Acts are not so successful as has been stated, I assert on my experience of twenty-eight years practice in this locality, that whatever the health of the services may be, there is not an iota of difference, so far as I can see, as to the extent of disease amongst civilians, compared with the period immediately preceding the passing of the Acts."—1877.

ARMAND DESPRÉS, PROFESSOR ATTACHED TO THE PARISIAN FACULTY OF MEDICINE:—"I was for six years surgeon to the *Lourcine* Hospital. I have closely examined these contagious maladies, and I have satisfied myself of the *absolute inefficacy* of the measures adopted by the police to prevent their propagation. . . . No citizen who has loved or defended justice and liberty should remain indifferent to a movement of public opinion (for abolition of the system) so manifestly righteous. Add my name and my writings to the ranks of those fighting for that generous and moral enterprise."—1877.

DR. DIDAY, OF LYONS, speaking of the insecurity of the French regulation system, says:—"Every day I see some unfortunate people infected in the first-class houses (of tolerance), which, beside the official inspection, pay for the luxury of a doctor attached to the establishment. . . . Led by a very plausible reasoning, many people watch the coming out of the dispensary of the woman who has just undergone inspection.\* It is not unfrequent to observe cases of the *most aggravated kind of disease*, caused by such contact, *guaranteed*," (as free from risk,) "however, in some way, *by the administrative authority*."

DR. LADAME, OF LOCLE:—Speaking of the regulations in France, this physician says:—"After having raised vice to the rank of a legal profession, after having rendered compulsory the sanitary inspection, have they been able to diminish disease? A thousand times, No! On the contrary—and quite recently—at the third International Medical Congress, held in Vienna, in 1870, it has been loudly declared that these diseases have rather increased than diminished."†

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\* Evidence was given before the Royal Commission in 1871, to the effect that women are driven up to the examination-rooms in England by men, who wait the reappearance of the women, and then go off with them in broad daylight.

† At the International Medical Congress, held at Amsterdam in September, 1879, Dr. Kraus, of Vienna, read a paper in which he showed, by statistics, that these diseases were at the present time *more prevalent than ever*, notwithstanding all police and medical regulations.

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N.B.—*Medical and pathological details are omitted as far as possible, and for obvious reasons, from this Leaflet. If the reader wishes to study the question further, other Pamphlets and Leaflets illustrative of the principles and working of the Acts, can be had on application to the SECRETARY of the NATIONAL ASSOCIATION FOR THE REPEAL OF THE CONTAGIOUS DISEASE ACTS, 2, WESTMINSTER CHAMBERS, LONDON, S.W.*

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