

The Contagious Diseases Acts : speech of Jacob Bright, Esq., M.P., delivered in the House of Commons (with closed doors) July 20, 1870, on the motion by W. Fowler, Esq., M.P., for leave to bring in a bill to repeal the Contagious Diseases Acts.

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13

THE CONTAGIOUS DISEASES ACTS :

S P E E C H

OF

JACOB BRIGHT, ESQ., M.P.,

DELIVERED IN THE HOUSE OF COMMONS

(WITH CLOSED DOORS) JULY 20, 1870,

On the motion by W. Fowler, Esq., M.P., for leave to bring in a Bill to Repeal the Contagious Diseases Acts.

PRICE ONE PENNY.

PUBLISHED FOR THE LADIES' NATIONAL ASSOCIATION FOR THE REPEAL OF THE
CONTAGIOUS DISEASES ACTS, BY

A. IRELAND AND CO., MANCHESTER.

1870.

THE CONSTITUTIONAL HISTORY OF

AMERICA

JACOB BRIGHT, ESQ. M.A.

DECEASED IN THE MONTH OF OCTOBER
1840, AT THE AGE OF 30 YEARS

BY JACOB BRIGHT, ESQ. M.A.
OF THE BAR AT NEW YORK

NEW YORK

Published by J. B. LIPPINCOTT & CO.,
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1841

THE CONTAGIOUS DISEASES ACTS.

Mr. JACOB BRIGHT: The hon. member for Ayr may be unaware of the fact that in the present session of Parliament some 700 or 800 petitions, signed by nearly half a million of persons, have been presented to this House, asking for a repeal of the Acts which are now under discussion. By the course which he is now taking he is not only acting contrary to the wishes of the vast majority of the House (loud cheers), but he is also preventing the country from knowing what takes place here upon a subject in which it has expressed the deepest interest. (Cheers.) Some tell me that this widespread opposition to these Acts arises from ignorance. I believe it springs from knowledge, because the more thoroughly I have understood these Acts myself, the more I find myself opposed to them. But if this earnest opposition of the people does arise from ignorance, where does the fault lie? Look at the stealthy way in which they have passed this House. They have been brought forward either late at night or late in the session, and every effort has been made to stifle discussion. So far as I can discover from Hansard, only two short speeches were made during the passage of these Acts—one by the right hon. gentleman the member for Oxfordshire; one by the right hon. gentleman the member for the Tower Hamlets. Both attacked this legislation in the bitterest terms of condemnation, no case was made out for the Acts, and it is an unprecedented thing that so serious an innovation should have taken place without any speaking whatever but that which was in direct opposition. Let us look now at what occurred in the Lords. The defenders of the other Chamber—and they are not becoming more numerous—(murmurs from the opposition, and cheers from below the gangway) always maintain that it is necessary as a check to rash legislation. When the

character of that House comes to be discussed in the future, it will not be forgotten that it passed these odious Acts entirely without debate. The press joined this great conspiracy of silence. That institution to which we are so much indebted, which criticises with so much advantage the proceedings of Parliament, one of whose noblest functions it is to guard the country from unjust legislation, on this remarkable occasion abandoned those functions, and up to this hour there are great London newspapers which have opened their columns freely to the supporters of these Acts, and which reject answers from the most competent persons.

Before the passing of these Acts there was no inquiry, I mean, of course, no real, no impartial inquiry. There were committees of investigation to which I shall for a moment refer. There was a committee of the House of Commons which sat last year. I believe I am correct when I say that every witness examined by that committee was in the pay and employment of the Government. There was a committee of the Lords which sat in 1868. This committee seems to me to have been the creature and the tool of an outside association, an association for extending these Acts to the whole country. This association is said to number among its members peers and prelates, members of the House of Commons, and clergymen of the Church of England, and yet it bears a fraudulent name, and dares not adopt a title which shall exhibit its real objects. It calls itself an association for extending these Acts to the civil population of the whole kingdom, when its real object is to extend them to the female population of the kingdom. Between these two adjectives, civil and female, there is as broad a distinction as between any two words in the English language. Then there was a committee which sat in 1865, presided over by the eminent surgeon Mr. Skey. Before that committee there were examined some scores of doctors, men connected with the army and navy, men belonging to the police. I admit that doctors are acquainted with disease, that men connected with the army and navy know something of naval and military matters, and that the police have their special instincts; but when Parliament, in an important matter of legislation, submits to be guided by a congregation of professional men, it is liable to make stupendous blunders, and two or three years will not pass over without our finding that we have made

such a blunder in this instance. The association for extending these Acts has been doing all in its power to deceive the public, not intentionally, of course. They have a zeal in what to Englishmen is a new, but not an exalted, faith; and zealots have very little mental control. They have been endeavouring, by the grossest exaggerations, to frighten the public into accepting this legislation. I am supported in this view by the most eminent authorities. Dr. Skey says: "The public mind is alarmed; it has been coloured too highly. The disease is by no means so common or so universal; and I have had an opportunity to-day of communicating with several leading members of the profession at the College of Surgeons, and we are all of the same opinion—that the evil is not by any means so large as has been represented. I think if you took the impression of any individual on reading the reports of the association for extending the Acts, you would infer an extent of syphilis in society far beyond the truth—very decidedly beyond the truth. It is not so common; it is not so severe." I quote next from Professor Syme, of Edinburgh. He says: "It is now fully ascertained that the poison of the present day, though arising from similar local sores, does not give rise to the dreadful consequences which have been mentioned. The case may be tedious, and skin, throat, or periosteum may be slightly affected, but none of the serious effects that used to be so much dreaded ever appear, and even the trivial ones just noticed comparatively seldom present themselves. We therefore conclude either that the violence of the poison is worn out, or that the effects formerly attributed to it depended on treatment." I shall give one extract from Mr. Acton, a great supporter of this legislation. Mr. Acton is probably the most illogical man who ever put pen to paper, but he is a gentleman of character, and therefore his statements will be accepted. He says: "Mild results now form the penalty of frailty." He further says: "Notwithstanding their excesses and exposure to many causes of disease, the health of prostitutes resists all attacks better than that of the ordinary run of women who have children and lead orderly lives."

We are told that these acts are required in the interest of innocent wives and children. This seems to me like asking the Chancellor of the Exchequer to spend the people's money in order

that British husbands may commit adultery with impunity. I could give the highest authorities to prove that inherited disease, even among the lowest and least protected class of the London poor, is small. We are told that this disease descends from generation to generation. Sir William Jenner says he never knew a case go beyond one generation. Dr. Arthur Farre says: "The conclusion that I came to, after many years' experience, was that syphilis in infants was one of the most easily-cured complaints that could be met with, provided the treatment was commenced sufficiently early, in which case the cure was as certain as of any complaint that could be named." Mr. Erasmus Wilson says: "I look upon syphilitic disease as so manageable a complaint, in comparison with other diseases of the skin, that it is always a source of pleasure to me when I have to deal with syphilitic disease." If our alarmists were sincere they would be irresistibly driven to the conclusion that the Contagious Diseases Acts should apply to the civil, and not merely to the female population. The truth is, and everyone knows it who has investigated this question, that during each succeeding decade these diseases have become milder and prevail less extensively. Is there any one in this House who will stand up and say that the people of this country are less healthy than people living in those countries where this hateful institution has so long existed? The broad facts of our national life contradict the supposition. Look at our industry and commerce; they exhibit an energy unequalled in the world. We have covered not only our own land, but every other land with public works. In time of war, if we have met with difficulty or disaster, it has not arisen from the physical weakness of the soldier, but from the mental weakness of commanders. (Cheers.)

When this question was last debated, the hon. member for the University of Edinburgh gave us a great many figures, and brought Dr. Balfour, of the War Office, to his aid. Dr. Balfour is a very accessible gentleman, and I, too, have had the advantage of an interview with him. I will state the broad facts of this case, and they have the support of his authority. From 1860 to 1865, a period during which these Acts were not in force, there was a remarkable decrease of disease at the military stations. From 1865 to 1868, when the Acts were generally in force, there was no

diminution of disease. The figures for the year 1869 have not been given to the public, but the hon. member for the University of Edinburgh obtained them from the War Office, and made use of them in his speech. Dr. Balfour considers that they show some favourable results from the Acts. I will state on his authority what those results are. In some of the stations where the Acts are in force there is a considerable diminution of disease in the year 1869, but in some of the stations where the Acts are not in force there has been a considerable diminution. The difference is this, that in scarcely any of the stations under the Acts has there been any falling back, but in some of the stations not under the Acts there has been a falling back. The comparison is here made between stations where there is ample hospital accommodation, and stations where there is none. What we contend for is, that if in the stations not under the Acts, there were hospital accommodation where persons could voluntarily resort for treatment, the comparison might show that these Acts were worthless in a sanitary point of view. (Cheers.) I shall be told that the voluntary system was tried, and that the desired results were not obtained, but it must be remembered that no results are claimed even for the compulsory system until the year 1869. The greatest hospital created by these Acts is the Albert Hospital, of Devonport. Mr. Wolferstan was the house surgeon for five years ending December, 1869. He is a gentleman of character and ability, and he kept the most elaborate accounts of the women who entered and re-entered that hospital. I shall give to the House some information with which he has furnished me. In 1867, the number of admissions for each woman was 1·21; in 1868, 1·71; in 1869, 2·07. These figures show that in each succeeding year under the operation of these Acts the women are more frequently diseased. The supporters of these Acts are bound to admit that inference, or to assent to another view of the case, which is suggested by the mode in which they obtain the Government money. The hospital receives from the Government £30 a year for every bed which is occupied, and £9 a year for every bed which is empty. Are the women then more frequently diseased, or, deprived of every civil right, are they forced into the hospital to satisfy the greed of its managers? Or, again, is this strange result obtained from the fact that the police surgeon

is a man who, having been 20 years in the navy, has never before handled a speculum in his life, and is therefore entirely ignorant of the duties to which he has been appointed?

The hon. member for the University of Edinburgh said that this compulsory system had changed the character of disease, and that the Government women were cured in very much less time than those who in other places resort to voluntary hospitals. Is he not aware of the fact that in other places there is very limited accommodation, whilst the registered women are forced into hospital, some diseased, some suspected of disease, and some not diseased at all. I again quote some remarkable figures from Mr. Wolferstan. From September, 1867, to December, 1869, 566 women were liberated at the Albert Hospital, Devonport, after a detention varying between one day and ten. The details are as follow: Two women were liberated after one day's detention, 12 after two, 17 after three, 28 after four, 46 after five, 101 after six, 97 after seven, 64 after eight, 108 after nine, and 91 after ten. Have these women been unjustly imprisoned, or does medical science attain more rapid results in these prison-hospitals than elsewhere? In a vain search for a defence of this legislation we have been told that it effects a great pecuniary saving. In the Plymouth district, the loss in time of soldiers, sailors, and marines, for the year 1868, was 120 men. If we reckon these at £60 per head, we get a sum of £7,200; but the annual cost of the hospital, the police surgeon, the spies, including, of course, interest of money invested, amounts to a larger sum.

But I am not going to argue this case only on the level on which it has been placed by the sanitary reformers of this House. Human beings have some feelings, some rights too sacred to be subordinated to these boasted sanitary results. A voice is heard from the country—a voice which is growing louder every day—asking for a restoration of those safeguards to personal security which have been handed down to us from generation to generation, and which until now no government, either Liberal or Tory, has ventured to invade. The demand is made that though vice may be difficult to diminish, and impossible to repress, the State shall not become a partner in it; and, further, that whatever law shall be directed against the propagation of this disease shall be an

equal law, and not have in it the cruelty and the cowardice of attacking the weak and letting the strong escape. (Cheers.) How are these boasted results obtained? By what process does this law work? You begin by letting loose spies upon a town. There is no street nor square, no precinct of the town, be it field or garden, over which the eyes of these men do not range. They resort to the basest means to entrap their victims. They are not instructed to dog the steps of men and women—only of women; and not of all women. Their attention is specially given to the poorer and more defenceless class. Milliners, shop girls, women in domestic service—those classes which more commonly furnish the victims to men's lust, these are they who are placed in peril, and whose steps are tracked day and night by the creatures of this law. The House is aware that the Act professes to be directed against common prostitutes. The Act, however, contains no definition of this term. I believe there is a definition in the Police Act. The term there implies women who are seen soliciting in the street. The operations of those who carry out the Contagious Diseases Acts are limited by no such definition. Poor men's houses are entered, women suspected of incontinence, but who are in no sense common prostitutes, are forced into this vile slavery. I was recently asked by a man of position in London whether I thought poor women were as sensitive on these matters as women of a higher class. Sir, until that hour I never felt so much sympathy with the efforts of working men to obtain direct representation in this House. Here is a law passed by peers and prelates in one chamber, and by an assembly of rich men in another, the whole burden of which is directed against the poor women of the country. It is the most indefensible piece of class legislation of which I have any knowledge.

How are these Acts carried out? Their victims are not brought into court and fairly judged. There is a provision by which they can be made to sign what is called a voluntary submission. Women frightened by the police are induced to sign their names or put their crosses to a paper of the meaning of which they know nothing. Every kind of cajolery and fraud are resorted to to obtain the signatures of ignorant and defenceless women. When once they have committed themselves they are subjected to

forced examinations every fortnight, and have upon them a brand which makes a return to decent life almost impossible. I say their signatures are obtained by fraud, and if I am not misinformed, the War Office itself is a party to that fraud. Among the regulations issued by the War Office on the 1st December, 1869, is the following: "Should any woman object to sign, she is to be informed of the penal consequences attending such refusal, and the advantages of a voluntary submission are to be pointed out to her." Now, sir, there are no penal consequences attending such refusal. A woman who refuses to sign can only be summoned before the bench, where she has the opportunity of showing that she is not a common prostitute. Then, sir, we have the examining house. I will not undertake to describe that disgraceful institution, but will leave it to the imagination of those who now hear me. I will simply say that women who are young, women who are not young, those who are hardened in vice and those who are barely past its threshold, are driven up to this examining house, herded like cattle in a pen, waiting for the ordeal which a Parliament, representing only men, has prepared for their victims. There is a clause in the Act of 1869, I believe it is the 3rd clause, which exhibits in the extremest way the injustice and indecency of this system. I will refrain from any further reference to it, and I am glad to be told that the authors of the Act are themselves ashamed of it, and would be more at ease if it had no existence.

After having spoken of the sanitary, let me refer to the moral results of this legislation. Is the House aware that great moral results spring from this system? The first Act did not pretend even to aim at moral results. It was only when the members for Oxfordshire and the Tower Hamlets assailed the Act that the flimsy veil of morality, as it was called by the member for the Tower Hamlets, was thrown over it. From what part of the system do these moral results flow? Do they come from the examining house? Are they assisted by the operations of the police surgeon? The blue books teem with evidence to show that when the soldiers were subjected to this ordeal the morale of the army was lowered, and it was discontinued because both soldiers and surgeons revolted at it. The moral results are said to come from the hospital. We are told that by forcing women there

an opportunity is afforded of teaching them religion and of applying to them the chaplain. I see before me my honourable friend the member for Bradford; he has had something to say in his time about the state teaching of religion. What will he say of this new phase which it has taken? How will he regard a plan for forcing people into hospitals, in order that they may be taught religion? Let me ask upon what principle all this proceeds? If it be right to drag women into hospitals in order to administer the chaplain to them, might it not be right to confer a similar benefit on other portions of the community, not excepting even some of those who have helped to pass these Acts? Let me discuss now, for a moment, the statements so repeatedly made, that by the operation of these Acts women are often reclaimed, and restored to a respectable life. These statements are entirely unfounded. We are told that there were 1,755 prostitutes in Devonport and Plymouth, and that they have been reduced to less than one-half. Mr. Frederick Wreford, chief superintendent of police at Plymouth, denies the whole of this statement. Mr. Lynn, the superintendent of the Devonport police force, says he does not know of one case of reclamation through the operation of the Act. Mr. Norman, the secretary to the Albert Hospital, Devonport, says: "I think there are no grounds whatever for thinking that the total number of prostitutes is lessened." Mr. Wolferstan states that, during the eighteen months ending March, 1865, when the voluntary system existed, twenty-eight per cent of the women admitted into hospital were reclaimed, while, during the period from April, 1865, to December, 1869, only thirteen per cent of the women were reclaimed. There is nothing surprising in this result, for anyone who knows anything of human nature will admit that women who are suffering under a sense of injustice from brutal treatment and forced detention, are not likely to be influenced by those who are placed over them. The question is asked, "Is prostitution legalised?" Of course it is legalised. Until now everything that has been done by Parliament has been with a view of repressing it. The law has changed sides on this matter. We have entered into partnership with the brothels. We do the sanitary part of the business for them, and from all accounts we are not doing it amiss. A superintendent of police, Mr. Mallalieu says, "Since the passing of

the Act, the greater cleanliness of the brothels is something very remarkable." So long as there are brothels I have no objection that they should be clean, but I maintain that this result should be accomplished on the voluntary principle. I protest against the State being employed to secure this advantage. (Cheers.) We are told too that "valuable information" is obtained from the heads of these houses which is of great service in carrying out the Acts. In fact we have established an intimate alliance with these persons, and the great departments of the State are in terror lest it should be disturbed. The hon. member for the University of Edinburgh spoke of the altered character of the unfortunate girls. I understood him to say that they were healthier, cleaner, better dressed, and more attractive. It would be a remarkable thing indeed, if, when the State brought its great resources to bear upon an institution like this, it did not render it more attractive. Our opponents are disturbed when they are told that they have planted the French system amongst us. If it be not the French system it is something very like it. So far as I have been able to compare the two, I believe ours to be the more brutal. It surrounds its victims with fewer safeguards, and subjects girls to slavery at a more tender age. I believe, the last time this question was discussed, somebody stated that the certificates were given up. If so, the change was made to meet the exigencies of the debate, for Mr. Cooper, of the Rescue Society, told me that he had recently been accosted by two girls, at Blackheath, who had their certificates. He bought one of the certificates, the other he could not buy, and the girl said that a man came to her every Saturday night and paid her rent, and that without that certificate he would not come near her. I do not know whether it be true or not that these certificates are given up, but if this system be in any way justifiable they ought not to be given up. If the Queen's Government, if the Imperial Parliament undergo the unspeakable humiliation of allying themselves with this system, if the British taxpayer is called upon to support it, then, I say we are entitled to enjoy the results of this expenditure, and both the soldier and the civilian should be enabled to distinguish the instrument which has been prepared for their use from that which would subject them to danger.

Why is this law applied to women only? We are told that it is

a sanitary law. It is the first time in our history that we apply a sanitary law not to disease in general but only to the disease of one sex. It is said that you cannot catch men. This is equally true of women. Although you endanger the security of all, you only catch the more notorious. There is always a large outlying fringe of clandestine prostitution which baffles the efforts of the police. The same state of things would be found if you assailed men. Instruct your spies to track the steps of men. Let them be able to tap a man upon the shoulder and ask him to sign a voluntary submission. If he refuse, let him be summoned before the magistrate, give him what you give to women, the luxury of being—I will not say tried; there is little or no trial—but of being condemned in secret, and I undertake to say that you will have no difficulty in laying your hands upon the more notorious class of male propagators of disease. The right hon. gentleman the First Minister of the Crown is not present to-day. I know that it is not his habit to be here on a Wednesday. If he had been here I should have called his attention to the fact that under these Acts women are subject to nine months' confinement, whilst men in precisely the same condition go absolutely free. I should like to have been able to have asked the right hon. gentleman whether this legislation squared with his sense of justice. The hon. member for the University of Edinburgh said that we had a standing army, of which 90 per cent were celibates, and that they must be protected. This means that a standing army of men requires an accompanying army of women under government regulation. Let this be freely admitted, and I believe that standing armies, the great curse of modern times—(cheers)—that institution which inevitably leads to war and all its horrors, would occupy a less secure foundation among us. (Cheers.) The honourable member told us we were standing in the way of a beneficent discovery in science. The examining house, with all its accompaniments, may, indeed, to some minds represent a scientific triumph, but what we have here is at least no recent discovery; it has existed for generations in continental countries; it has done more to demoralise society there than any other institution that can be named, and there is not one tittle of evidence to show that this country is less healthy than others which have long been subject to this 'beneficent legislation.'

The hon. member seems to me to be ignorant of the people for whom he has been sent here to legislate. The tone of his speech reminded me of an answer which was given by a surgeon who was examined before the parliamentary committee. The surgeon was asked whether he thought these Acts might safely be extended to the whole country. He said yes, he believed all hypocrisy on this subject was now gone, and that the people would accept the Acts. These gentlemen forget in their calculations one portion of British society not wholly without influence. I mean the women of this country. These men seem to think that the women of England can look on and be at peace, while successive Governments of England are setting their seal upon, and to all appearances contentedly accepting the perpetual degradation of their sex. I am told that these Acts are the work of pious and well-intentioned men. I do not deny it. There are men in this House who support this legislation for whom I have a great respect, but let it be remembered that history teaches us no more frequent lesson than this, that the most indefensible things, the greatest crimes against humanity have been committed by pious and well-intentioned men. (Cheers.) Some of the worst things that have ever been done in this country, have been done by Liberal Governments, because the people do not suspect them. It would not have been in the power of the right hon. gentleman who leads the party opposite to have placed this law upon the statute book. Whether this legislation be good or bad, the First Minister of the Crown and the right honourable gentleman the Secretary for War are more responsible for it than anyone in this House, because they have been influential members of every Cabinet which has sanctioned these Acts.

I should advise the whippers-in of the Liberal party to consider the political aspects of this business. A party is being formed in every town in the country which will subordinate all politics to the repeal of these Acts. Men are saying everywhere, if this be Liberalism, then henceforth there is no Toryism of which we need to be afraid. Leading men on the opposite benches have had their full share in this business, but at a future election their agents will not be slow to ask who passed the hateful Contagious Diseases Acts? and the answer must necessarily be, they were

passed by Liberal Governments. Before sitting down, let me consider for a moment what was the real course which Government ought to have taken to meet the evil in question. They should have established voluntary hospitals. I shall be told that the voluntary system was tried, and did not produce satisfactory results. It should have been more fully tried, and tried for a longer period. During a period of two or three years it is evident that the compulsory system did not produce the results that were anticipated. Then, sir, the sanitary arrangements for the army and navy should have been improved. I could show from the blue books that the men do not possess the ordinary requirements of civilised life, and that they are in some respects scandalously neglected. The Government should have taken a leaf out of the book of my honourable friend the member for Carlisle. They should have protected the soldiers and sailors from the consequences of the unrestricted sale of liquors. This they might have thought too arbitrary a proceeding, although it is not considered too arbitrary to subject women to the most degrading treatment, and to deprive them of every right. The questions of employment and of greater facility for marriage should have received the earnest consideration of the Government. In short, through these various paths I have no doubt whatever that far greater sanitary results are to be obtained than can ever come from the revolting system which the country all but universally condemns. I will sit down by saying in one word that I believe it is not in the power of Parliament to maintain these Acts. There is no place in the United Kingdom where a public meeting can be called together to defend them, and any Government which undertakes to support them will render itself hateful to the people. (Cheers.)



34
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