

**The Contagious Diseases Act : shall the Contagious Diseases Act be applied to the civil population? : being a paper read before the Association of the Medical Officers of Health, on Saturday, December 18th, 1869 / by William Acton.**

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# CONTAGIOUS DISEASES ACT.

SHALL THE CONTAGIOUS DISEASES ACT BE  
APPLIED TO THE CIVIL POPULATION ?

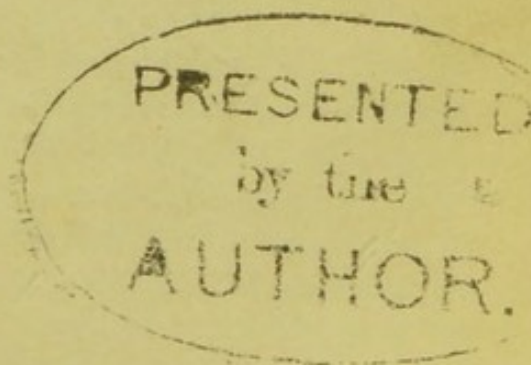
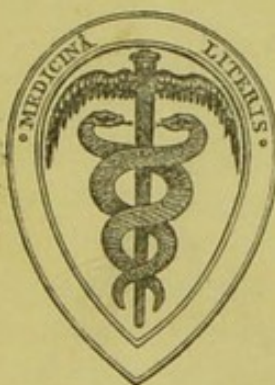
BEING A PAPER READ BEFORE THE ASSOCIATION OF THE MEDICAL  
OFFICERS OF HEALTH,

ON SATURDAY, DECEMBER 18TH, 1869.

BY

WILLIAM ACTON, M.R.C.S.,

FORMERLY EXTERNE TO THE L'OURCINE HOSPITAL, PARIS; FELLOW OF THE  
ROYAL MEDICAL AND CHIRURGICAL SOCIETY, ETC., ETC.



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the British Army and Navy.  
8. Recognition and Regulation  
of Prostitution in Civil Life  
in England.  
9. Amelioration of Prostitution.  
10. Prevention of Prostitution.



# THE CONTAGIOUS DISEASES ACT.

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## PART I.

### PRECIS OF AUTHOR'S VIEWS.

It will be in the recollection of persons interested in the subject of this paper that both branches of the Legislature have recently appointed Committees to investigate the results of the Contagious Diseases Act.

#### FAVOURABLE REPORT OF THE HOUSE OF COMMONS.

These Committees have reported favourably of the measure, especially the Committee appointed by the House of Commons, in July, 1869, which states among other things that—

“Although the Act has only been in operation two years and a half, and at some stations only seven months, strong testimony is borne to the benefits, both in a moral and sanitary point of view, which have already resulted from it.

“Prostitution appears to have diminished—its worst features to have been softened—and its physical evils abated.”—P. iii.

The Committee close the report by saying—

“Your Committee would remark, in conclusion, that whilst, for the reasons stated at the commencement of their Report, they have confined their investigations to the object of securing greater efficiency in the treatment of these diseases at Military and Naval stations, they recommend that further inquiry, by a Committee appointed early in the next session, should be instituted with the view of ascertaining whether it would be practicable to extend to the civil population the benefits of an Act which has already done so much to *diminish* prostitution, *decrease* disease, and *reclaim* the abandoned.

“Your Committee have examined Mr. Simon, the medical officer of the Privy Council, as to the nature of the evidence which should be prepared before this question is referred to a Parliamentary Committee, and they recommend that his suggestions on this head should be adopted by Her Majesty's Government.”



In consequence of these strong recommendations, it is probable that another session will not pass without the Legislature enacting some measure for the extension of the Contagious Diseases Act to the civil population. In the face of this possibility, it seems of the highest importance that the question, how far such an extension is desirable or possible, should receive very careful and accurate consideration at the hands of the profession and the public, and I am anxious to assist the progress of the discussion to the utmost of my power.

The passing of the Contagious Diseases Act is a step in the right direction; it is an effort, and, as the parliamentary reports, to which I have alluded, show, a successful effort to mitigate a great physical mischief. In considering the attitude which a civilized community should assume towards prostitution, the nature of the evil must not be lost sight of.

#### WOULD THAT WE COULD ERADICATE PROSTITUTION.

I wish that I could believe with some of our opponents, that we could do away with prostitution altogether. If I thought it possible or probable, I would most willingly assist in eradicating the evil, but I believe, that by aiming at the possible and the practical, we shall do more good than by seeking to attain a state which, however desirable, is beyond our reach. Prostitution we cannot prevent, but we can mitigate the misery entailed by it, and can do much if we will to prevent women becoming prostitutes. The evil cannot be done away, but it may be lessened, and that to a very great extent. We cannot do all we wish: is that a reason for doing nothing? Let us do what we can. A mischief that must always exist will have more or less intensity according as we regulate it or leave it to itself. The women will become more or less depraved according as good and healing influences are brought to bear upon or withheld from them.

#### PROSTITUTION AN INSEPARABLE CONDITION OF SOCIETY.

It is useless to shut our eyes to facts. Prostitution is no passing evil, but one that has existed from the first



ages of the world's history down to the present time, and differs but little, and in minor particulars, in this the nineteenth century, from what it was in the earliest times. The records of the human race, from the Book of Genesis downwards, through the whole range of ancient and mediæval literature to the writings of our own day, bear witness to the perpetual presence among men of the daughters of shame. Kings, philosophers, and priests, the learned and the noble, no less than the ignorant and simple, have drunk without stint in every age and every clime of Circe's cup; nor is it reasonable to suppose that in the years to come the world will prove more virtuous than it has shown itself in ages past. From time to time men's purer instincts, revolting from the sin, have striven to repress it; but such efforts have too often ended in failure, and entailed disasters more terrible than those from which relief was sought.

As one among many other instances of the futility of repressive measures, I may cite the example of the city of *Berlin*. This capital has on three separate occasions, since the Reformation, been purged of prostitutes, but has as often immediately fallen a prey to desertion of infants, adultery, abortions, and clandestine prostitution. Hence the present public recognition of that which the Government could neither suppress nor ignore with public advantage, has been forced upon the authorities. It is evident that it would be unreasonable to expect any other result. Equally irrational is it to imagine that this irrepressible evil can exist without entailing upon society serious mischief, which, though incapable of extinction, yet admits of mitigation. To ignore an ever-present evil appears a mistake as fatal as the attempt to repress it.

WERE PROSTITUTION UNATTENDED BY CONTAGIOUS DISEASES  
WE SHOULD NOT ADVOCATE GOVERNMENT INTERFERENCE.

I must here admit that if prostitution carried moral mischiefs only in its train, it would be to a great extent, if not entirely, outside the proper sphere of legislation. Failure must always be the fate of any attempt to make people virtuous by Act of Parliament. The evils produced by prostitution are two-fold, moral and physical.



The remedies adopted must be in like manner twofold—the moral mischief must be left to the influences of religion and civilization, and to the care of those who from their special position are peculiarly fitted for grappling with moral evil. The physical mischiefs on the other hand must be met by physical measures; the same thing which is true of the results is true of the causes of prostitution. These also are two-fold, moral and physical—the moral causes must be met in the same way as the moral results—the physical causes in the same way as the physical results, that is to say, the means adapted to dealing with moral evil must be applied to the one; the means of grappling with physical evil to the other. It will be at once apparent that the question how to deal with prostitution is a very wide one.

#### OTHER MISCHIEFS CONNECTED WITH PROSTITUTION.

That the mischiefs which result and will result from it are various, and therefore that the machinery for dealing with it must be as various as the evils sought to be remedied. I may allude to INFANTICIDE, ILLEGITIMACY, AND INADEQUATE LODGING ACCOMMODATION FOR THE POOR as evils already connected with prostitution, which ought to be the objects of legislation.

For the present, I will deal only with contagious disease that results from prostitution, and here I may repeat that contagious disease is inseparable from it, and will merely premise that any efforts to grapple with this result ought to be accompanied by measures dealing with the other cognate evils to which I have referred.

#### SUMMARY OF THE EFFECTS OF CONTAGIOUS DISEASE.

Doubts have recently been expressed as to the magnitude of the evil occasioned by venereal disease, it being imagined by some that not only is the disease comparatively unfrequent but productive of mere ephemeral mischief; it has moreover been hinted by the medical officer of the Privy Council, and asserted in the protest issued by the Ladies' Association, that the object of those who advocate the extension of the Contagious Diseases Acts to the civil population, is simply to enable men to indulge their sexual passions with impunity.



In consequence of these grave misconceptions it seems necessary to say a few words as to the extent, the rigour, and the insidious character of the venereal disease, also as to the mortality occasioned by it.

I.—AS TO THE EXTENT.—In my treatise on syphilis I have shown that in our leading public hospitals in London, one-half or fifty per cent of the surgical out-patients came there in consequence of being affected with venereal diseases, *page* 52.\* I have proved that at the time my statistics were taken at St. Bartholomew's Hospital, about one in every five surgical out-patients was a woman or child, *Loc. Cit. p.* 54. Before the Contagious Diseases Act was put in force in the British Army, 325 per 1000 soldiers were annually affected with venereal disease, † *Loc. Cit. p.* 8. At *page* 65, evidence is given that 35 per cent. per annum of sailors were rendered unfit for service by this scourge of our seaport towns. ‡ I have also shown that

\* Captain Harris has kindly placed the following data at my disposal, which are even more alarming than those referred to by Dr. Stewart with reference to Greenwich, see *p.* 28. They are most valuable as showing the amount of disease discovered in the newly protected districts immediately on their being brought within the provisions of the act, and as furnishing us with authentic evidence of the enormous amount of disease that must be existing in all the unprotected districts, *i.e.* throughout by far the greater part of the United Kingdom.

"The first 250 women brought up for examination in the Plymouth district were found to be diseased without a single exception."

"Return of the number of women examined in the Winchester District since the acts came into operation there (Thursday, Jan. 6 to Feb. 1, 1870), shewing the number found diseased, number free, and also the nature of the diseases, whether syphilis or gonorrhœa. Number examined, 76. Number found diseased, 56. Number found free, 20. Nature of disease: syphilis, 28; gonorrhœa, 28."

† It is instructive to compare these returns with those showing the freedom from venereal disease among soldiers in foreign armies. "In Paris 40 per 1000 men only were affected with venereal disease in the garrison of Paris in the years 1858 to 1860."—*Acton on Prostitution, p.* 125. "At Brussels when I visited that city, only 11 men were laid up out of a garrison of 3500 soldiers."—*Loc. Cit., p.* 131. "In the Prussian army, the proportion of venereal was 62 per 1000."—*Loc. Cit., p.* 143.

‡ During the discussion which followed the reading of this paper, Dr. Kidd, Staff-Surgeon of the Army Medical Service, said the last report of the Army Medical Department was for 1867, and was published in September. The returns for the United Kingdom show that from 1860 to 1866, even before the application of the Contagious Diseases Act, there had been a progressive decrease in the cases of



in the merchant service, 1 out of every 3 patients who applied to the Dreadnought Hospital suffered from venereal disease, *page 67*.

II.—AS TO THE RIGOUR.—There is no doubt that the disease, though quite as frequent, is less virulent now than it was a few years ago. The decrease in its virulence is attributable, of course, to the improved method of treatment, to the altered and more regular habit of living, and better hygienic conditions of the population, and shows how much may be done in the way of mitigating the syphilitic poison, where the opportunity of exercising his skill is afforded to the medical man. This decrease of the activity of the disease seems to me a strong reason for giving to the profession increased facilities for dealing with it. It must not be imagined

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venereal diseases. In 1860 the proportion of admissions per 1000 of the strength was 369, in 1866 it was 258. In 1860 the proportion constantly sick from venereal disease was 23·69 per 1000, in 1866 16·19 per thousand. In 1867 an increase had occurred. The proportion of admissions was 291, and of constantly sick 17·13. Dr. Kidd quoted statistics from Dr. Parke's work on hygiene as to the relative number of soldiers attacked with primary venereal sores in 1868, at "protected" and at "unprotected" stations. "In the protected stations, the number attacked in 1868 is not only below the mean in the previous four years in every station, but is, in every case, lower than the minimum of any former year, whereas, in two out of the four non-protected stations, the number of attacks in 1868 is above the mean of the previous four years; in one station is only just below, and in only one station is lower in 1868 than in any of the preceding years. The mean number of attacks in the five protected stations in 1864 was 108·98, and in 1868 was 67·63. In the four unprotected stations the corresponding numbers were 115·13 and 101·08." "On the whole, considering how imperfectly, and for how short a time, the Act has been applied, I think there is every reason to hope that the lessening of syphilis at all the protected stations in 1868 (though it is inconsiderable in the case of Aldershot) is really owing to the influence of the Act." Dr. Kidd thought the recruiting returns would furnish some means of comparing the civil population with the army in respect to the prevalence of venereal diseases. The returns from 1860 to 1866 showed that the proportion of recruits rejected for venereal diseases was about 16 per 1000 annually, or very nearly the same as the proportion of soldiers constantly sick from the same causes during the last few years. While, however, there has been a marked diminution in the number of soldiers constantly sick, there has been no corresponding diminution in the proportion of rejected recruits for venereal diseases."



that because the poison is now followed by less serious consequences than formerly, that the mischief produced by syphilis is not of very great magnitude; it is true that, if taken in time, and if the patient have a strong constitution, permanently injurious results are generally avoided; but wherever these conditions are not fulfilled—and, in many cases, even, where they are—broken constitutions and a poisoned state of the blood, which make the procreation of healthy offspring a physical impossibility, are the results.

III.—THE INSIDIOUS NATURE OF THE DISEASE.—I will now say a few words on the insidious nature of syphilis. It is generally assumed that the sufferer from syphilis is necessarily an immoral person. This is a great mistake; the disease doubtless comes in every case primarily from an immoral source. In the present day it never arises spontaneously, it does not follow, however, that the individual sufferer is the guilty party. For instance, the drunken husband, waylaid in his cups by the harlot, contracts the disease syphilis. Would that the complaint stopped here! We have the innocent mother becoming infected, and the babe that she conceives inherits the taint, which it may communicate to a stranger suckling it—who, again, may contaminate her own child, and the chain of contagion may thus be indefinitely lengthened out. Again, in the case of a trade, such as glass-blowing, a diseased man\* may communicate his complaint to any of his fellow workmen who may use the same mouthpiece with himself, and they, of course, in their turn infect their wives. Cases, moreover, like the following are far from uncommon. A single man consorts with prostitutes, and, as a consequence, becomes

\* For many years the medical school in which I was educated in Paris was reluctant to admit that contamination could be spread in these ways. Private practice during the last thirty years, and the facilities for accurate observation among the middle and upper classes of society, now enable me to assert that syphilis may be thus communicated. In making this statement, let me not be understood as admitting that all the published cases of asserted contagion by spoons, drinking-cups, or other vehicles, are true. The medical man has many appeals made on his credulity, and experience can alone sift the true from the false evidence.



infected, is treated for the complaint, supposes himself cured—vain delusion!—marries a virtuous girl, when, sad to relate, the disease breaks out in the wife, the offspring becomes tainted, and the contagion may be further indefinitely spread, as I have already stated.

IV. — MORTALITY ARISING FROM SYPHILIS. — The weekly average of deaths from syphilis in London, within the last ten years, (1860-9 inclusive) varies from 4·9 to 9·0.

The Registrar-General has kindly supplied me with the following most important tables, showing the mortality arising from syphilis, and my readers will not fail to remark the appalling but incontrovertible fact that the greatest mortality exists among infants under 1 year of age. What a sad commentary do they furnish on Scripture, "visiting the iniquity of the fathers upon the children."

#### LONDON.

*Deaths registered from Syphilis in each of the 12 years, 1858-69.  
(From the Annual Summary of the weekly returns.)*

Years.	Deaths Registered.	Temperature.
1858	263	49·2°
1859	288	50·7°
1860	256	47·0°
1861	327	49·4°
1862	282	49·5°
1863	335	50·3°
1864	356	48·5°
1865	369	50·3°
1866	408	49·8°
1867	423	48·6°
1868	473	51·6°
1869	466	49·5°
Mean of the 12 years, 1858-69...	354	49·5

*Deaths of Children under 5 years of age from Syphilis, in the year 1868.*

Ages.	England and Wales.	London.
Under 1 year	1,364	361
1 and under 2 years	82	21
2 and under 3 years	19	2
3 and under 4 years	6	2
4 and under 5 years	1	—
Total under 5 years	1,472	386



I think I have now disposed of the notion suggested by the medical officer of the Privy Council "that very exaggerated opinions are current as to the diffusion and malignity of contagious diseases (p. 13), and have shown conclusively that syphilis is an evil too great to be left to work its fatal course unchecked, and may now proceed to indicate the means by which it can be most efficiently contended with.

#### HOW CONTAGIOUS DISEASE CAN BE CONTROLLED.

It appears to me, that the only effectual way of dealing with the disorder, is to detect early, to seclude effectually, and place under medical treatment, as many affected persons as possible. It is as vain to hope to reach all, as it is to deny that there are many upon whom the healing hand can be laid. Only those utterly ignorant of what has been achieved, will be so bold as to deny the excellent effects produced by the Contagious Diseases Act in the protected districts. The reasonable conclusion seems to be that what is good for the few will be good for the many, and that the provisions of this Act should be extended to the whole population.

#### WHO SHALL COME UNDER THE CONTROL OF THE ACT.

I may at once state that there are many women whose lives are immoral, whom it will be impossible—perhaps even undesirable—to bring within the provisions of the Act, on account of the secrecy and reserve with which they pursue their calling.

Many of these women are doubtless diseased, but the very secrecy which places them beyond the reach of legislation, at the same time limits their sphere of mischief, and the men infected by them, are for the most part able to obtain prompt and efficient medical advice, so that the mischief caused by such women as these, is comparatively slight. The lower we descend in the social scale, the more mischievous does syphilis become,\* for it is among the poorer classes that neglect of the disease, inability to obtain proper medical treatment, and feeble constitutions, are at present most frequently met with.

\* See the enormous authentic proportions, page 7.



THE COMMON PROSTITUTE IS THE PERSON WE WISH TO  
CONTROL.

I am, I think, not saying too much when I affirm, that if we could only lay our hands upon the notoriously vicious women, upon all, in short, who can be fairly included in the term "common prostitute," we should get rid of the greater, and most dangerous part of the mischief. Now, this is the very thing that is done by the Contagious Diseases Act.

The principle of this Act is, that every woman known to the police as a common prostitute, who fails, on notice, to submit herself to a voluntary examination, is liable to be summoned before a magistrate, and subjected by his order, if he shall think fit, to medical examination and supervision, and on the certificate of the medical officer, that she is diseased, subjected to treatment in hospital until cured. It is perhaps unfortunate that no attempt was made by the framers of this Act to define accurately the persons to whom they intended to apply this term "common prostitute." As might be expected, much capital has been made by opponents of the measure, out of this omission, though I believe that no practical evil has hitherto resulted from it. To guard against all possibility of misconception in future, it may, perhaps, be wise for the legislature to supply this omission in any act dealing with the population at large.

DEFINITION OF A COMMON PROSTITUTE.

I am, however, far from considering the insertion of any such clause a necessity, as it is a most remote possibility that any woman should be charged with being a common prostitute, unless her conduct was notoriously and openly bad, and it is obvious that any distinct statement of the acts that shall render a woman liable to be included in the class supplies, by the definition, the means of evasion. It is worthy of remark, that the number of women, returned by the police, as common prostitutes, reaches to little more than 6000, though the metropolis is believed to contain an infinitely greater number of vicious women. This shows the strong reluctance that exists on the part of the police, to include in such



a category any but the most abandoned. It also shows that there are certain women, whose number is far from inconsiderable, whose profligate mode of life is open and undisguised, and admits of no reasonable doubt. These at least may be dealt with by this act, and we may, I think, lay it down as a general rule, that it is reasonable to treat as a common prostitute every woman who can be shown to be an habitual street walker, or frequenter of casinos and similar places of resort, or in the habit of hiring herself out to different men, and every woman known to resort to houses of accommodation, and whom no respectable man will acknowledge as either wife or mistress.

#### HOW THE ACT AFFECTS THE COMMON PROSTITUTE.

To show how considerately, and with what little hardship to the women subject to the existing Act, its regulations can be carried out, I may quote the evidence of Inspector Smith, the efficient officer of the Aldershot district, given before the committee of the House of Lords in 1869.

His examination, so far as material to this point, was as follows :—

976. Will you tell the Committee what your duties are with regard to the Contagious Diseases Act?—I will. The duties consist in watching for women who are supposed to be prostitutes, women who are not residing in brothels, and women who are practising clandestine prostitution; and warning them to attend for medical examination, and conveying them to and from the hospital, or to their homes; in fact, every duty connected with the carrying out of the Act.

977. You have spoken of clandestine prostitution, and do you believe that there is much clandestine prostitution within the camp at Aldershot?—I do.

978. Have you any power over clandestine prostitutes?—We have no power; but I satisfy myself always either by myself or from some good information that I obtain, and I always make it a point to see those people. I see them and tell them what I have seen or heard, and in most cases they do not deny it, and I warn them to attend for medical examination. That is my practice.

979. In what class of life are those clandestine prostitutes?—Various classes. As a rule, they are of the lower order; I could not say that any person who is practising as a clandestine



prostitute is moving in what I might call a respectable sphere of life. They are as a rule labourers' daughters, and people of that class.

980. Shop girls?—I think not.

981. Servants?—Servants occasionally.

982. Under the present Act, what power would you have over a servant who you had reason to believe was practising clandestine prostitution?—First of all, I should warn her to attend for examination under the 17th section of the Act. If she did not attend for examination, and I had good reason to suppose that she was diseased, and was conducting herself as a common prostitute, I should then lay information before a magistrate in the usual way, and get her summoned before him; and if she did not appear by herself, or by some person on her part, then I should ask the magistrate to be good enough to make an order for her examination, which of course would depend upon the magistrate. If the evidence was sufficient to justify him in making the order, he would do so; and if he did, I should then serve a copy on her; and in the event of her not attending, I should then apply to a magistrate for a warrant to apprehend her; she would then be apprehended and brought before the magistrates in the usual way, and charged with the offence.

983. What nature of evidence could you offer with regard to a woman in service in a house?—For instance, if I went to the military hospital, and a man was in his bed and he told me that So-and-so had given him the disease, I should then make some inquiries; I should very likely ask the hospital serjeant or some person about, if the man's statement was to be relied upon, and if he was likely to tell me the truth or not; I should be very cautious not to interfere in any way with any person in service or living in any respectable place, or anything of that sort, without good foundation. If I found that the man's statement was to be relied upon, I should keep observation upon this party for some time, and if I found out that the woman went out to public-houses, and was seen in company with various men, and that kind of thing, then I should take upon myself to warn her; but if I saw nothing of the kind whatever beyond the man's mere assertion that such was the case, I should not take any notice of it.

Even if the police employed in carrying out this Act are occasionally guilty of tyrannical or vexatious interference with the liberty of the subject, little mischief can result so long as the medical officer retains the discretionary power, at present exercised by him, of refusing to examine any woman who can suggest to his mind a



reasonable doubt as to the justice of her apprehension, until such time as the doubt shall be removed. It must also be remembered that no woman can be brought to the surgeon for examination, except by her own submission, until a magistrate has been satisfied that such a proceeding is justifiable.

#### REASONS FOR COMPULSORY CONFINEMENT.

Were the plan feasible, I should agree with the proposal, that in preference to this compulsory legislation, large hospitals should be opened for the treatment of diseased women on their own voluntary application, but experience teaches us that they will not come. At the present moment, notwithstanding the inadequate accommodation in proportion to the disease existing among prostitutes, provided by the London hospitals, numbers of the beds at these institutions remain unoccupied, owing to the disinclination of these women to enter the wards of their own accord, therefore the adoption of compulsory measures seems unavoidable.

It is now many years ago since I called public attention to the error committed by philanthropists and medical men in treating prostitutes as out-patients. I regret to say that what I wrote and published, regarding our civil hospital arrangements, twelve years ago, applies equally at the present day. I, however, now go farther, and venture to question whether it is desirable for our civil hospitals to treat prostitutes as out-patients at all.

Every man who frequents the street, after nightfall, must meet many a woman, apparently sound and healthy, who, patched up by voluntary charity in the morning, knows no other way—nay, whose only possible resource—to get her necessary food, or bed at night, is to sally forth into the streets. The ministers of charity may have eased her pain in the morning, dressed her sores and given her drugs, but in a month she will be no nearer soundness than had she been taken care of by the State within the walls of the hospital for one week; and within that month what a scourge upon society will the surgeons not have kept afoot by their exertions? Here is the power of charity again working to waste.

We have seen, that, to confer any permanent benefit



on society, and on sanitary grounds, when a woman is diseased, an early detection of her complaint is necessary, and that when discovered she should at once be placed in confinement, so as to prevent her disseminating the plague. Moreover, she should not be allowed to leave the hospital till perfectly well and unable to contaminate any one she may have relations with. Our existing civil hospitals fulfil few of these conditions. The diseased prostitute is not sought after; she applies only when the mischief she can cause is done, and many men have been diseased, and she finds herself unable any longer to carry on her trade. If there be room in the wards to take the patient in, she occupies a bed say for many months, and even then society has no guarantee that she will remain till cured and do no more mischief. On the contrary, as soon as she pleases, the girl of her own free will (and many do so) can quit the hospital long before the surgeon gives his sanction; hence society and sanitary laws are baffled, and instead of the hospital benefiting the girl and the plague of syphilis becoming checked, the propagation of the disease is aided by both the in- and out-patient hospital system of treating our sick prostitutes.

It may be in the recollection of my readers, that some years ago it was given in evidence that prostitutes who were lying in hospitals suffering from venereal diseases, at Portsmouth, (on being sent for by the brothel-keepers) on the occasion of a ship being paid off, one and all left their beds to participate in the drinking and rioting that was a necessary consequence, to the no small detriment of Her Majesty's jolly tars, who of course became affected with the most serious forms of disease. This, I may add, took place before the existing Contagious Diseases Act came into force, and compulsory residence in hospital (as now enforced) was carried out.

If the British public could only once conceive the idea that the treatment, cure, and temporary segregation of the syphilitic, was as much a matter of public interest as that of the lunatic, whose seclusion all counties, towns, and parishes provide for with such remarkable alacrity, not so much out of love or respect for the patient as



because it is a dangerous thing to leave him at large, I think I should not long be without followers in wishing for equally public recognition of both complaints.

In another twelve months those who follow me may, I hope, have to chronicle that no prostitute in civil life will be treated week after week as an out-patient; but that she, like her sister in garrison towns and ten miles round, will, on the discovery of her diseased condition, be confined in hospital and restrained from infecting alike soldiers and civilians.

#### BENEFICIAL EFFECTS ON THE WOMEN THEMSELVES.

We have now had sufficient experience of the Act to test the effect the Contagious Diseases Act has had on the women themselves, and I see around me gentlemen\* this evening who will, I am sure, corroborate the following statement:—

The women are at least taught to respect themselves, and they are already less dirty and less disreputable. If care be taken in the selection of the health inspectors, every prostitute who comes within the scope of the Act, will every week find herself brought face to face with a man who disapproves and stands aloof from her life of sin, she will have the necessity of cleanliness impressed upon her, she will have the filthiness of her life imperceptibly brought to her notice. I have suggested that

\* In the discussion which followed this paper, Mr. Gascoyen stated "that he was confident that the majority of the women admitted to the Lock Hospital regarded the Act favourably. He had never heard complaints about being subject to examination, although there were some of being detained in the Hospital; but even these were few, and proceeded from women of the worst character. In proof of this, he stated that fully 10 per cent. of the women admitted to the Lock Hospital during the past year had sought inspection voluntarily, some of them coming from distant places not under the Act, in order to place themselves under treatment. Mr. Gascoyen fully endorsed Mr. Acton's statements as to the marked improvement noticeable in the women since the application of the Act. Many had taken advantage of the opportunity to enter the Lock Asylum alone; some had gone to other institutions, and some again had been returned to their friends when cured." Dr. Stuart said "the women uniformly acknowledge the benefits they derive from the working of the Act, and that they had never made any complaint of oppression on the part of the police, or of any others engaged in enforcing it."—*Medical Times*, January 15, 1870.



at the inspector's office papers should be kept, to be had on application, showing how those who desire to turn from a life of prostitution can have the means placed before them of doing so, and a notice should be fixed up in the office that such papers are there, and may be had on application. This would at least prevent the women who came for inspection, from supposing that their calling was either allowed, or tolerated, or considered necessary. But the weekly inspections will lead to something more, they will lead to the detention of numbers of these women; the life in the hospital will give to all the very opportunities that now penitentiaries give to some, and give them in a far more judicious and salutary manner. It may be that many weeks of inspection will be undergone, and more than one visit made to the hospital, before the desired change is produced. But I have said that the method that I propose is gradual, and that the change to be real must be gradual.

AVERAGE NUMBER OF BEDS REQUIRED, AND THE PROBABLE  
EXPENSE.

I may be told, perhaps, that the number of beds required, and the expense of their maintenance would be so great, that my plan would become impracticable. I have met this objection in my recent work on "Prostitution." There I state that if we wish to provide accommodation in proportion to the number of beds devoted to females in Paris and Berlin, we should require 800 beds, if in proportion to the five great capitals of Europe, we should require 1,400. The expense of maintaining them is estimated at £24 10s. per bed: thus we could maintain the 800 beds for £20,000, or the 1,400 beds for £34,000. Let my readers recollect that if economists should grumble at such an expenditure, statistics show us that we spend upwards of this sum annually in curing the men among the 46,000 quartered in the eight garrison towns, independently of the subsequent injury to the health of and invaliding in the army.

If we try to form some estimate of what venereal disease is at present costing the community, or what the



individual would save by the introduction of the Contagious Diseases Act among the civil population, so as to protect our adult male population from the effects of syphilis, we may arrive at a serious, but, I believe, approximate estimate.

Dr. Farr is my authority for stating that, in the year 1868, there were 474,500 men in the metropolis between the ages of twenty and forty. If, therefore, it costs £56,000 to cure the venereal patients among 46,000 soldiers, it must at present be costing £577,670, or upwards of *half-a-million*, to cure the venereal cases among the 474,500 men liable to be affected in the metropolis, supposing that the venereal disease is as common among the adult civil population, as it is among our soldiers.

## PART II.

### OBJECTIONS TO THE EXTENSION OF THE CONTAGIOUS DISEASES ACT TO THE CIVIL POPULATION CONSIDERED.

I shall now briefly consider some of the more prominent objections urged against the proposed extension of the Contagious Diseases Act to the civil population. These objections are based mainly on religious and moral grounds—the risk of encouraging sin,—and the injustice of curtailing individual freedom.

From the language held by our opponents, one would imagine that they enjoyed a monopoly of love of liberty and regard for religion, but that we who desire to check disease, care for neither of these things. Now I desire the utmost freedom for all, except freedom to injure the community, and I reverence religion too much not to grieve when it degenerates into mere sentiment, and I repudiate the sensational and disingenuous arguments so freely used by our opponents in discussing these social questions. Among the many pamphlets recently circulated against the extension of the Contagious Diseases Act, I may notice, as a type of the class to which it belongs, one recently published by a provincial



member of my own profession, Dr. Taylor. Its sensational character sufficiently appears from its title—

“ON THE CONTAGIOUS DISEASES ACT—

(WOMEN, NOT ANIMALS.)

*“Showing how the New Law debases Women, debauches Men, destroys the Liberty of the Subject, and tends to increase Disease.”*

How strangely do these frantic sentences compare with the extract I have already quoted from the last report of the House of Commons, which states—

“Although the Act has only been in operation two years and a-half, and, at some stations, only seven months, strong testimony is borne to the benefits both in a moral and sanitary point of view, which have already resulted from it.

“Prostitution appears to have diminished, its worst features to have been softened, and its physical evils abated.”

I may at least pay Dr. Taylor the compliment of saying that the subsequent pages of his pamphlet will sustain the character gained for it by its title page.

Is it true, I have been asked, that, as stated in this pamphlet—

“Under the provisions of the Contagious Diseases Act, any woman whom a policeman may choose to designate, or affect to believe, to be a prostitute, without proof, without evidence, trial, or conviction, is liable to be arrested, taken before a magistrate, and condemned to three months’ imprisonment with hard labour, which may be repeated indefinitely, that is for life, if she decline to submit for at least a year in company with the vilest prostitutes, to a frequently repeated violation of her person with a surgical instrument. The policeman is disguised in plain clothes, and his functions are those of a spy. When he has spied out a woman, he informs her in the language of the force, that ‘he shall run her in,’ that is, take her before a magistrate, unless she consents to the operation I have described. In the middle ages, when our forefathers employed the rack, thumb-screw, fire, and other forms of torture, such exposure and violation was one of the ‘*peines fortes et dures*,’ occasionally offered with others for selection to female criminals, but it was always the last chosen.

“It is now offered with the alternative of imprisonment for life to those, who at the very worst are not criminals, and who may be entirely innocent.” Page 4.



At page 6 it is stated—

“The spies have nothing to guide them in their selection of victims, and I am informed that one of these officials recently told a girl, that his reason for arresting her was that he had seen her twice at a concert.... No proof is required.

“Suspicious—just, or unjust, aroused by worthy or unworthy motives, are all that is necessary to condemn the best woman in the land, and if she happens to be penniless and friendless, so much the worse for her.”

At page 10, he goes on—

“Indeed it is a well-known fact, that wherever this Act is enforced, no respectable woman is safe. In fact, in Paris, it is not safe for a young lady to walk abroad; if she do so, she is almost certain to be arrested and accused of prostitution.”

It is difficult to answer such loose assertions. So far as they come within the region of reason, I will endeavour to deal with them, but, I here quote them rather to show what extraordinary things some men will say, and some others, I presume, believe, than with a view to serious argument. Any one who will take the trouble to compare the clauses of the Contagious Diseases Act with these statements of Dr. Taylor's, will be at a loss to discover what foundation any one outside St. Luke's could have found for such wild and startling propositions. What, for, instance, are we to do with a man who actually believes, or at least asserts, that “one of these officials recently told a girl that his reason for arresting her was that he had seen her twice at a concert”—that “suspicious just or unjust are all that is necessary to condemn the best woman in the land,” that “wherever this act is in force, no respectable woman is safe, and that in fact, in Paris, it is not safe for a young lady to walk abroad.” Such notions, as they have found a propagator, may also find adherents. It is some comfort to believe that such persons are never likely to exercise much influence on the course of legislation. The dark allusion to the *peines fortes et dures* of the middle ages, is even more incomprehensible to persons of ordinary minds than the other grotesque statements by which it is surrounded. Were it not for the proneness of mankind to believe that where there is smoke there must be fire, these random sentences might be left to refute themselves; but lest any



one should imagine that this Act does really open the door to, if not actually introduce something very bad indeed, I will now proceed to discover, if possible, and then to deal with the objections hidden under this cloud of words. They appear to be two: First, that this Act puts the virtue of the women of England in the hands of the police. Secondly, that the medical examination of a prostitute is an unjustifiable outrage, and is as painful to her as the worst form of torture. The first proposition is obviously untrue, and on examination must resolve itself into the milder, yet serious objection—that under this Act, it is possible for the police to be guilty of arbitrary and capricious conduct. If this be so, Dr. Taylor has doubtless succeeded in hitting a blot, for it is impossible to exaggerate the serious consequences to an innocent woman of being falsely accused of leading an immoral life. This, however, seems to be an objection to the particular Act, rather than to the principle embodied in it, and, if it can be substantiated, shows the necessity of guarding in future legislation against the possibility of any modest woman being treated as a prostitute, through the mistake or malice of a policeman. It seems to me that this can be done without much difficulty. I am aware that Mr. Mill\* is of a contrary opinion, “he does not think the abuses of power by the police mere accidents, which could be prevented. He thinks them the necessary consequences of any attempt to carry out such a plan thoroughly.” This observation of Mr. Mill’s would be undeniably true, if it were proposed to bring under supervision all the women of loose habits in the country; but I, at least, suggest no such enterprise. I shall be satisfied, if we can subject to the provisions of this sanitary law all the open and notorious prostitutes. As I have already shown, it is from these women that the mischief principally, if not altogether, proceeds, and whatever danger there may be, that women of good repute should from exceptional circumstances become the objects of undeserved suspicion, it is absurd to suggest that they could ever be mistaken for, or accused of being professional prostitutes, to whom alone it is proposed to extend

\* Mr. Mill’s Avignon Letter, *Echo*, January 17, 1870.



the Act. If it be said that in dealing only with the notorious prostitute, we reach but a small part of the evil, and the experience of clandestine prostitution in France be advanced in support of this position, I reply, that there is no analogy between the *fille clandestine* of the continent and the secretly dissolute woman in England. The clandestine prostitute and the public prostitute belong to precisely the same class, the only difference being, that the one evades, and the other submits to medical inspection; the result being, that the one exhibits disease in the proportion of about 1 in 5, the other of about 1 in 200. In England all prostitutes living outside the protected districts are in the sense in which the term is used in France of being uninspected, clandestine, and may be reasonably supposed to be diseased in the same proportion as women similarly circumstanced in other countries. It is, therefore, perfectly accurate to speak of clandestine prostitution on the continent as the great source of danger to the public health; but such a statement with regard to prostitution in England is absolutely meaningless; and if by clandestine, the intention is to allude to the more reserved class of prostitutes, or rather to women who, though not prostitutes, are guilty of immorality, it is positively false.

If it be objected that the proposed legislation will create the clandestine class in this country—that is, that the same repugnance will be exhibited by prostitutes in England to the proposed means of checking the disease by which they are afflicted, as is exhibited in France to being subjected to the police regulations in vogue there,—I reply, that this is jumping to a conclusion most unwarrantably. The places from which we should draw our inferences as to the possibility of effectually carrying out a Contagious Diseases Act, are not foreign countries subjected to an entirely different system, but the protected districts at home, where the plan is already in successful operation. The first objection then is not to the principle of the Contagious Diseases Act, but to the supposed absence from it of sufficiently careful provisions; these, if the objection can be substantiated, may be supplied. I may fur-



ther remark, that so far as this objection is countenanced by Mr. Mill, it appears to be on account of his misapprehension of what is really proposed to be done, and the amount of good that can thereby be accomplished. The second objection goes undoubtedly to the principles of the measure, but appears to be one of little weight. The charge conveyed by it is, that we are proposing to submit unfortunate women to a system worse than the worst torture. Can serious trifling be carried further, and can we be expected to believe, that women whose bodies are free to all the world, will, if examined by a surgeon, feel misery akin to that which drove modest women to prefer torture to violation? It is wonderful that a man professing so much regard for what is due to women should so travesty their most sacred feelings.

The public should be made fully aware of the fact that we are not legislating for "soiled doves," but for a class of women that we may almost call unsexed, who, I have elsewhere shown, have so far lost womanly feelings, that they will consort with as many as from eight to twelve different men in the same night. *Acton on Prostitution*, p. 25.

#### OBJECTIONS AGAINST INSTRUMENTAL EXAMINATION.

Dr. Taylor alleges that disease is communicated by the speculum. This is a question of fact. I may observe, that Dr. Taylor has given no instance that has come under his own knowledge. During the last thirty years I have had some personal experience, and I fearlessly assert that if ordinary and proper precautions be taken, no qualified medical man will thus spread contagion.\*

\* In the discussion which followed the reading of this paper, the possibility of spreading contagion by means of the instrument was denied; Dr. Stuart, the examining surgeon at Woolwich, stated "that he had examined thousands, and he had never known a case of any woman accusing him of having contaminated her with the speculum. Dr. Letheby, the Medical Officer of Health for the city of London, and Professor of Chemistry in the College of the London Hospital, said in reply to the above hypothetical statement, "that he did not believe it to be true—that one drop of pus would communicate infectious properties to a pint of water; for, according to his experience, hardly anything was so powerful as water in des-



I have personally seen all the classes of registered and unregistered *filles clandestines* and public women examined in Paris on several occasions, and I may refer the sceptical to page 119 of my last edition on Prostitution, where I state that I recently assisted at the examination of at least fifty registered prostitutes, brought promiscuously from different parts of Paris, and not a single one was found diseased—this arising from the efficiency of the police regulations in that city; similar visits have corroborated these views. How contagion can be spread where precautions are taken to cleanse the instruments, I am at a loss to conceive.

The officers of the different Lock Hospitals will, I am sure, bear me out in saying that contagion ought not to, and, in fact, does not take place in this manner. Dr. Taylor further objects that in a large proportion of cases it is impossible to say with certainty whether a woman is diseased or not. This, again, is a question of fact. If this assertion proves anything, it shows only that incompetent men must not be appointed to these responsible situations. I think men conversant with the subject will agree with me that if a woman presents to the practised eye no recognizable traces of disease, the instances are rare indeed in which she will prove a source of contagion.

Another statement in the above-quoted pamphlet, which will not bear investigation, is one made at p. 11:—

“That the Rev. Dr. Hooppell, Principal of the Marine College at South Shields, proved by the tables given in the Parliamentary reports that contagious diseases have increased at every station where this Act had been applied.”

It is worthy of remark that Dr. Taylor does not troying the contagium of pus, and such like cell structures which exist naturally in a dense albuminous liquid, for the water quickly enters them by endosmose and destroys their vitality by overdistention, or even by bursting them. But even if it were true, it is not of any serious importance, seeing how easy it is to destroy the contagious matter by immersing the speculum for a minute or two in boiling water, which might be always at hand in a vessel with a small gas jet under it. Another vessel of cold water might be used to cool the speculum, and thus with a couple of instruments, the examining surgeon might continue his examinations with absolute safety, and without unnecessary delay.”



assert that he believes in these statistics, or has authenticated them, but quotes a clergyman, who believes he has proved by tables—which he gives us no means of referring to—that disease had increased;\* if this is not disingenuous conduct, I know not what is. I take upon myself to deny *in toto* the assertion, and my medical opponent ought, I think, to have discovered that he was misquoting the Parliamentary reports.

All the evidence I have read contradicts this statement of the Reverend observer, as all the figures prove that the disease is, on the contrary, rapidly diminishing. I may subjoin the following, which I have already published (page 243) in my work on Prostitution.—

“The real fact is, that it is *precisely these forms of disease in which society is most interested*—namely, syphilis—which have been most beneficially influenced by the system of inspection now in practice, and that it is on the slighter and less important forms that the least impression has been made. ‘The percentage of syphilis has steadily diminished. In the first period the proportion of syphilitic cases was 57·45. The percentage of syphilis decreased gradually during the succeeding periods, till it reached the number of 17·72 per cent. in the half-year ending March 31, 1869.’—*Letter of the Devonport Surgeons to the Lords of the Admiralty*, p. 9.

“In the London Lock Hospital, Mr. Lane reports that in 1867 42 per cent. and in 1868 only 35 per cent. of the prostitutes admitted laboured under syphilis, thus showing that the working of the Contagious Diseases Act has very considerably diminished the syphilitic average.”

Those who maintain that the Contagious Diseases Act has not been attended with satisfactory results, forget to state that many of the soldiers said to be diseased, and

\* Since the discussion took place on my paper I have been at some trouble to discover where this Reverend gentleman could have obtained his information, as the latest official returns of the army only come down to 1867, although published in 1869. I obtained my latest statistics from the valuable treatise of Dr. Parks on Hygiene, prepared especially for the army. At page 503, that accurate observer remarks—“Taking all the stations, namely, Aldershot, Chatham, Plymouth, Devonport, Portsmouth and Woolwich, the mean admissions for Syphilis were, in the year 1867, 84·98 per 1000 men, and in the year 1868, 65·95 per 1000 men. It seems therefore clear that a good effect has been produced, and I think in the stations where it would have been anticipated.”



who swell the statistics, are merely instances of relapse, and in other cases the diseases from which they suffer have been contracted beyond the protected district.

The *Westminster Review*, one of our most logical and powerful opponents, objects that the English Contagious Diseases Act confounds all prostitutes of every grade into one indistinguishable crowd of common prostitutes, and forces all the prostitutes to become inhabitants of brothels, in order that the hold upon them may be more secure.

The answer I have to make to this objection is, that the Contagious Diseases Act, as at present carried out at Aldershot and Woolwich, has no such tendency as this. Those who will read my description of these garrison towns, will see that the brothel proper is a house almost unknown in London! and in the above-named garrison towns the women live in lodgings, for which they pay a rent like any other lodger. My object—as the following extract from a letter I have recently written will show—is to abolish the brothel proper.

“I have so recently pointed out the objections to tolerated brothels in London, particularly if modelled on the French system, that I will not now repeat my objections to them. I may, however, remind my readers that a brothel (proper) is a house almost unknown in London, the police returns only giving two for the whole metropolis, thus showing that the institution is alien to English feelings. In any future legislation, therefore, society must consider how we are to deal with clandestine prostitutes—that is, girls living in their own lodgings—as no one desires to introduce the French system or allow man or woman to profit by the prostitution of another. A further fundamental difference between the present system in France and that which I desire to see introduced into England is that, whereas in France it is the object of the police to register and confine in a brothel every woman gaining her livelihood by prostitution, all that is proposed for England is to give authority to medical men by the Contagious Diseases Act to examine periodically all women who are known to be common prostitutes, and, if they find that they are diseased, to confine them in hospital as long as they are capable of communicating venereal complaints to those who may have relations with them. This interference with the liberty of the subject in England seems necessary, not only for the prevention of disease



in the soldier or civilian, but even for the sake of the woman herself, who will in a few years give up a life of profligacy, and gain her livelihood by some other means.

"The English plan will not use up the prostitute, as must necessarily be the case if she enters a brothel; for, as I have shown elsewhere, girls once inmates of these dens of iniquity in Paris gradually descend from a higher to a lower grade of house, until they are useless for even the vilest of them. Under the foreign system there is no hope for the amelioration of the prostitute. We in England profess to believe that we can assist the girl in redeeming her position at the same time that we do so on purely sanitary grounds, without legalising vice."—*Medical Times*, January 15th, 1870.

As our opponents reiterate in different forms these assertions, I think I cannot give the reader too many authentic statements proving the contrary.\*

\* Dr. Stuart in the discussion before the Association of Medical Officers of Health of the Metropolis, said "that in the inspected districts, the proportion of disease found was less than one in ten, and of a very mild character, while in the new district of Greenwich the cases of disease bore a proportion of from one-third to one-half of the women examined, one-third of these being cases of syphilis, mostly of a severe character, and many evidently of long standing."

Mr. Lane, Assistant Surgeon Grenadier Guards, writes to the *Lancet* on January 8th, 1870, and says, "I send you a few facts which may prove not only interesting, but instructive, as to its efficient working in one of our garrison towns. The battalion to which I belong left London for Windsor on the 1st of March, 1869, and as the Contagious Diseases Act was in force in that town, the men were carefully examined immediately after their arrival, and those found affected were sent to hospital for treatment. The admissions for venereal during the first four months of our stay were only 30; nearly all the cases were of a mild form, and readily amenable to simple treatment. Upon the 1st of September the battalion returned to town, and was quartered at Chelsea barracks; the number under treatment was then only 7. From that date to the present, venereal disease has been greatly on the increase; as many as 108 cases have been admitted into hospital during the last four months, nearly four times the number for a like period at Windsor.

*"Admissions for Venereal Diseases.*

WINDSOR.				LONDON.			
March	...	...	11	September	...	...	17
April	...	...	6	October	...	...	29
May	...	...	6	November	...	...	23
June	...	...	7	December	...	...	39
Total				Total			
	...	...	30		...	...	108



VENEREAL DISEASE ASSERTED TO BE MORE COMMON IN  
PARIS THAN IN LONDON.

In a recent discussion I listened to at the Medical Society of London, the opponents to the introduction of the Contagious Diseases Act to the Civil Population, asserted that in foreign countries, where prostitutes are supervised, venereal disease was more prevalent than in England.

These gentlemen did not condescend to give us any data on which these opinions are formed. Several of those who made the assertions, had travelled on the Continent—had seen the magnificent institutions in Paris given up to the treatment of syphilitic patients—the hospital for males alone containing 336 beds, and as many as 140 out-patients being treated every morning. The conclusion they came to was that syphilis is very rife in Paris, much more so than in England. I admit that these special hospitals present almost every variety of syphilitic complaint, as the system in France is to consign all venereal patients to these special institutions. If, however, the student will enquire a little further, he will find that among the registered women in Paris, syphilis is almost unknown, as I have stated in my recent work on Prostitution, *p.* 157.

The women who spread syphilis broadcast, are found among the clandestine prostitutes, whom the police regulations cannot reach, or who have resided or do reside beyond what we should call the protected districts. The police authorities will tell you if you push your enquiries further, that much syphilis is imported into French ports from unprotected countries; and in the last international meeting of medical men in Paris, in 1867, England was pointed to, as being one of those unprotected countries that had contributed to prevent the disease being stamped out—in those countries that without such

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“I may add that formerly, before the Contagious Diseases Act was put in force at Windsor, the number of cases admitted, and the severity of the disease, were greater at that station than at any other.”



importations would have nearly freed themselves from the plague.

If, however, we consult the reliable statistics of the army, we shall find that venereal disease among the French troops quartered in Paris, is only 66 per 1000, instead of, as shown in report of the Medical Department for 1867, 263 per 1000 as among our Foot Guards quartered in London; yet it is on such casual observations as these that the false conclusion is arrived at that venereal disease is much more common in Paris than in London.

Having then shown that the Act, whose extension I advocate, does not, as asserted, place respectable women at the mercy of the police, and that the medical objections attempted to be urged against it, have really no weight at all, I may glance for a moment at the objections made on the score of interfering with the liberty of the subject.

#### DANGER OF INFRINGING THE LIBERTY OF THE SUBJECT.

I have no hesitation in admitting that the private life of the individual, so far as it does not affect society at large, is the concern of the individual alone, and in no way whatever of the state, and that any attempt on the part of the legislature to control the moral conduct of the individual, whether man or woman, is incompatible with the freedom which is the birthright of every person born in this country. This, however, is a very different case from that with which it is proposed to deal. The title of the Act sufficiently indicates that no infringement of individual freedom is intended, except so far as such freedom infringes on the public health. We desire to check the spread of contagious disease, and claim the right to interfere with the pursuits that produce the mischief. This principle is not a new one, as Mr. Simon, with strange inconsistency, suggests in his Report to which I have already alluded, when he tells us at *page* 13 that "*prima facie* the true policy of Government is to regard the prevention of venereal diseases as matter of exclusively private concern," but is in accordance with the principle so well enunciated by the same gentleman at



*page 21* of his Report, when dealing with a question that he could consider without prejudice. He there says that "it is the almost completely expressed intention of our law that all such states of property, and all such modes of personal action or inaction as may be of danger to the public health should be brought within scope of summary procedure and prevention." It is also untrue as Mr. Simon conceives, "that the principle at stake is whether the civil fornicant may reasonably look to constituted authorities to protect him in his commerce with prostitutes," (*page 18*); if it were, there might perhaps be some force in the argument that to interfere with women, in order to prevent their infecting men who can at their own option visit or abstain from visiting them, would be an unjustifiable interference with their liberty, though even this would seem to savour somewhat of a sacrifice of common sense to sentiment. With such a question, however, I am not called upon to deal. What we have to consider is, whether to prevent the spread of a contagious disorder, the effects of which are not confined to the person first infected, or whose own act entailed the suffering, but which recoil to an infinite extent upon innocent persons, is justifiable or not. Is it, I ask with some confidence, possible to distinguish that last case in principle from the other cases of preventable disease with which the legislature interferes? An attempt has been made to do so by the Ladies' National Association for the repeal of the Contagious Acts.

We are told that "unlike all other laws for the repression of contagious diseases to which both men and women are liable, these two apply to women only, men being wholly exempt from their penalties." I may remark, by the way, that this idea of penalty and punishment, which runs through the whole of the ladies' appeal, is most unfounded. The provisions of the Act are sanitary and merciful; those only are obnoxious to penalties under the Act who offend against its provisions. In any case where it is possible for men to offend, they are included in the penalties. It is evident that the law cannot deal with remote causes; it can only deal with those that are immediate. Whether man's vice or woman's is



the cause that prostitution exists, is a very wide question to enter upon, and one not easily answered—one calculated, moreover, to gratify curiosity rather than to serve any useful practical end. Let the original cause be what it may, the fact remains that there is a certain class of women productive of the greatest injury to the community. There is no corresponding class among men; if there were, we would attempt to deal with it. Prostitutes are the direct, visible cause of the prevalence of syphilis; it is among them that we find “such modes of personal action as may be of danger to the public health,” and we propose to extend these Acts on the principle lying at the very root of the existence of society, that, for the common good and for the advantages obtainable by this means only, each member of the state must be content to be deprived of the power to do exactly as he pleases—that is, must surrender for the sake of social order a portion of his freedom. So much for the arguments adduced against the proposed legislation on the ground of interfering with the liberty of the subject. But, after all, what is this liberty? It is not liberty, but wanton licence. It is not freedom, but lawless indulgence.

“They talk, sir,” says Dr. Guthrie, “of the liberty of the subject. Let no man confound the liberty of the subject with licence and licentiousness, and I hold that the worst enemy of liberty is he who does so confound them. Why, the liberty is all on the side of evil-doers.”

I now turn to the

#### RELIGIOUS OBJECTIONS.

The *Saturday Review* for January 1st, 1870, has so well answered the charge brought against the Contagious Diseases Act, that it is an interference with what is called the Providential punishment of vice, that I am tempted here to reproduce it. “‘The’ poison does not arise from promiscuous or illicit intercourse, but only from intercourse with affected persons. A man may lead an immoral life for fifty years, and never experience the ‘retribution’ which yet may fall on the first lad who, half from silliness and half from passion, gets momentarily entrapped into a vicious course. To the



worst form of English vice—the seduction of the innocent,—it can never, from the nature of things, be a punishment; rather, the fear of such a retribution tends to spread wide the tendency to seduce, and thus becomes in itself a source of more evil than the ‘retribution’ ever could by any possibility cure.”

On this point I may further cite the opinion of the Rev. F. D. Maurice, who

“believes that the argument respecting retribution for sin, which has had most weight with clergymen, is an untenable one. I believe that I should be guilty of a pious fraud if I told any young man that he would inevitably incur the punishment if he yielded to the temptation. I believe that I should be injuring his conscience both by the falsehood and by setting before him a low motive for abstinence; and I know not where the application of such a maxim could stop. Is gout not to be treated medically when it is proved to be the result of gluttony. Or madness, when it can be traced directly to drunkenness. Strike at the cause by all the moral influences you can use; but the effects ought to come under the cognizance of the physician.”

*Daily News*, Jan. 19, 1870.

Having cited Mr. Maurice as a witness in my favour, it is only fair to remind my readers that he has not only ceased to advocate the extension of the Contagious Diseases Act, but that he has actually passed over to the opposite ranks. This conversion appears to have been wrought by the ladies’ appeal, and the Reverend gentleman considers that such acts are objectionable, because the question that now ought to be considered is, how can prostitution be extirpated? I say, in reply, I shall be delighted to discuss with him this question, if he will also consider with me how can diseases be abated; neither the questions nor the objects are repugnant. It is not to be expected that a disease of nearly 6,000 years’ duration will yield to slight pressure, or in a short time. I ask but this, that for the interval that must elapse between the present day and that on which its extirpation shall be accomplished, all the necessary means for dealing with the evil which, so long as it continues to exist, will also endure, may be provided. If Mr. Maurice will believe me, we are both labourers in



the same vineyard ; we both desire to improve the social, moral, and sanitary condition of unfortunate women, and all I ask of him is, not to neglect the fallen, while he is considering how they shall be made to cease from falling. As I have already said, the Contagious Diseases Act is only one of many measures that I desire to see in operation for checking prostitution, and the mischiefs arising from it. Surely the healing the prostitute's body, and reducing the amount of the suffering by her inflicted on the rest of the community, is no obstacle, but rather a help to the extirpation that he desires. I pass from Mr. Maurice, to the appeal that wrought his conversion, and here I cannot forbear to express my surprise, that a mind so logical should have been changed in its opinion by an appeal that contains so little reason.

#### OBJECTIONS MADE IN THE LADIES' PROTEST.

It is professedly of two parts, descriptive and argumentative—the first part affects to describe the state of things introduced by the Acts, the second part to give eight reasons against that state of things. Unfortunately the description is wholly drawn from imagination and sentiment, and is as argumentative as the second part ; it is not therefore surprising that the eight reasons are mostly fallacious, and none of them weighty, and I must frankly say that the impression left on my mind after perusing their Appeal, was that the Ladies had composed and signed it without having read the Act of which they complain, and that they were proceeding to pass judgment in a controversy, as to the terms of which, they were in a state of the most positive ignorance. For an obvious reason, I shall not attempt to argue with these ladies. I will merely observe that any objection contained in their protest that requires an answer, has already received one in the refutation given to other objections.

Apart from their pardonable want of logic, I must, however, thank the 130 ladies who signed this protest, for having come forward in defence of their sex. Now that they have taken up the cause of their fallen sisterhood, no doubt can exist that the future of the woman



called "Unfortunate," will command that attention which hitherto has been denied to her.

I beg to assure these ladies that the medical profession has ever treated these unfortunate women with the most signal and marked tenderness and sympathy. I have during the last thirty years seen some thousands of women examined by different medical men, and I venture to say that their womanly feelings were respected, and as much deference paid to decency as is shown in private practice.

If I may venture to direct the Ladies' Association to a very necessary reform, I would suggest that the Association carry out those excellent suggestions made by Miss Muloch in her chapter on "Fallen Women." The Ladies could, indeed, aid the cause if they would urge the mistresses of households not to turn out into the streets at a moment's notice, and this in spite of their husbands' remonstrances, a good and faithful female servant, but who had been seduced by one of those handsome fellows ladies retain in their service. I shall doubtless be told that it would be inconsistent with a woman's matronly duties to suffer such a hussey to remain in her establishment. I do not ask her to do this, but I have proposed an alternative;\* and as a medical man, I often blush for the inconsistency of the sex, when I find that the identical Fanny A., who has been dismissed from the service of Mrs. B., is taken into the service of Lady C. as wet nurse, her ladyship knowing that the single woman has been just confined of an illegitimate child. Surely these are reforms well adapted to be carried out by a Ladies' Association; and I think I may venture to say, if the Ladies will leave the care of the health of these women to the medical profession, and will call upon the public, and Members of Parliament to agitate for a change in the laws relating to seduction, a more healthy state of public opinion will arise, and they will be instrumental in conferring on their sex an inestimable benefit.

If surgeons are left to deal with questions, and to remove evils, the cognizance of which comes peculiarly within their province—if the ladies, and the clergy, and all who have at heart the well-being of the race, will

\* See *Acton on Prostitution*, p. 276.



deal with those evils which they can severally remedy—and if all will unite in the common cause, not magnifying their own peculiar province, nor depreciating that of others, but gaining and giving mutually all the help and strength they can, we may hope to see, not the extirpation of prostitution, for this can only come to pass when poor humanity ceases to be frail and sinful—but a considerable diminution of the number of prostitutes, and a great amelioration of their condition.

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*POSTSCRIPT.*

I have much satisfaction in stating that the Association of Officers of Health met on Wednesday, February 2, 1870, to consider the subject, and unanimously came to the conclusion that—"Supposing the Legislature should determine to recommend the introduction of a Contagious Diseases Act among the civil population, it would be possible and feasible, under a well-organized system, to carry out its enactments in the Metropolis."

THE END.