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**JAMES STANSFELD & the DEBATES ABOUT THE REPEAL  
OF THE CONTAGIOUS DISEASES ACTS IN BRITAIN AND  
BRITISH INDIA, 1860s – 1890s**

Thesis submitted for the degree of

Doctor of Philosophy

at Birkbeck College, University of London

Christine July Ramsey

University of London Regulations for Declaration:

I, Christine July Ramsey, confirm that the work presented in this thesis is my own. Where information has been derived from other sources, I confirm that this has been indicated in the thesis.

Signed.....*C July Ramsey*..... Date.....*26 June 2014*.....

## **Abstract**

This thesis examines the life of James Stansfeld, (1820-1898), and in particular his contribution to the political reform of the Contagious Diseases Acts (CDAs) in England and in India. Stansfeld was a Liberal MP from a Unitarian (non-conformist) background who represented his native borough of Halifax during the Gladstone era. From the early 1870s onwards, eschewing high cabinet office, Stansfeld was a major force in the Commons parliamentary debates about the CDAs and their Indian equivalent. His political strategies included the building up and sustaining of popular support for repeal whilst simultaneously supporting repeal in the political arena. The thesis maps Stansfeld's complex and radical arguments about women's rights, particularly those of prostitutes, and his advocacy of, and practical support for, repeal of the CDAs both in England and India. It presents new archival research on Stansfeld and other materials relating to the Contagious Diseases Acts and their rescindment. The archival materials are read alongside nineteenth-century published sources including memoirs, political writings and newspaper articles, and analysed in dialogue with scholarship on nineteenth-century sexual debates in England and India. By focusing on James Stansfeld's advocacy of the repeal effort in England, and his role in the subsequent shift of the debate to British India, then, the thesis adds new research on the complex issues at stake in debates about the repeal of the CDAs and Indian CDAs, and it considers what these debates tell us about the role of female sexuality in nineteenth-century political debates in England and the Indian empire.

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Not least to my dear partner Robert Mills who, despite the temper tantrums, kept faith throughout.

Thank you all.



## List of Abbreviations

AMS	Association for Moral & Social Hygiene
BGF	British, Continental & General Federation for the Abolition of Government Regulation of Prostitution
CDA	Contagious Diseases Acts
FWMLA	Frances Willard Memorial Library & Archive, Evanston, Illinois
GOI	Government of India
HJW	Papers of Henry Joseph Wilson
ICA	Indian Cantonment Act
ICDA	Indian Contagious Diseases Act
JBL	Josephine Butler Letters Collection
JSM	James Stansfeld Memorial Trust
LNA	Ladies National Association for the Repeal of the Contagious Diseases Acts
LSMW	London School of Medicine for Women
MGF	Millicent Garrett Fawcett Collection
NAND	National Archive of India, New Delhi
NVA	Records of the National Vigilance Association
OIOC	Oriental & Indian Collection, British Library
WCTU	Women's Christian Temperance Union
WL	Women's Library

## Introduction

This thesis examines the life and work of the Liberal MP for Halifax James Stansfeld (1820 – 1898) and some of his contemporaries with the aim of gaining a fuller understanding of the debates about the regulation of venereal disease in Britain and India in the late nineteenth century.

The CDAs were introduced in Britain in 1864 with the aim of controlling the spread of venereal disease amongst soldiers and sailors. Further Acts followed in 1866 and 1869, each extending the jurisdiction of the first, the frequency of compulsory internal examinations and the term of imprisonment. As a member of Gladstone's cabinet in the early 1870s, Stansfeld, whilst heavily involved in other political issues, became aware of the CDAs, and from 1874 he devoted the remainder of his life to the repeal campaigns both within Britain and then after the successful repeal of the British CDAs in India.

The thesis explores Stansfeld's influence on the repeal campaign including his links with other reformers, notably the feminist campaigner Josephine Butler, arguing that he lent political legitimacy to the repeal campaigns through his access to the House of Commons. It excavates and brings into dialogue new and little studied archival material that indicate Stansfeld's crucial role at the time and in so doing deepens understanding of the complex allegiances between CDA repealers as well as turning fresh attention to the similarities and differences between debates about prostitution and sexuality in the British Parliament and the Government of India (GOI). Arguing that Stansfeld played a central if often overlooked role in campaigns for the repeal of sexual regulation in late-Victorian Britain, as well as in the subsequent shift of this debate to the Indian sub-continent, the thesis demonstrates that

attention to Stansfeld's specific contribution to the repeal of the Contagious Diseases Acts in Britain and India also deepens understanding of how nineteenth-century debates about sexuality and its regulation were racialised and classed as well as gendered.

The Introduction will contextualise Stansfeld's work by giving an overview of the CDAs including discussion of historical and critical contexts as well as detailed examinations of some of the major stakeholders in these debates. It reflects, for example, major medical and social ideas about sexuality and prostitution before examining the important role of women philanthropists in the repeal debates including discussion of prime organisations such as the Ladies National Association and the White Cross Army. It then considers some of the issues at stake when British repealers turned attention to the regulation of the CDs in India.

Explaining how this historical material speaks to the thesis project overall, the penultimate section gives an account of the wide range of texts and other sources that underpin this investigation, and indicates its approach, before concluding with an outline of the chapters. In so doing then the Introduction aims to provide a background of historical frames of reference that help to enhance our understanding of both the issues at stake in nineteenth-century discussion of venereal disease and Stansfeld's contribution to these debates.

### **The Contagious Diseases Acts and Victorian Ideas about Prostitution**

On 20<sup>th</sup> June 1864 the first Bill to enforce a system of regulated prostitution was introduced to Parliament by Sir Clarence Paget, Secretary to the Admiralty. An excerpt from this Act indicates its draconian powers which allowed for compulsory registration and examination of any woman thought, but not necessarily known, to be a prostitute, with a prison sentence for failure to comply.

...the Justice present, on Oath made before him substantiating the Matter of the Information to his Satisfaction, may order such Woman to be taken to a Certified Hospital for Medical Examination. Such Order shall be a sufficient Warrant for any Constable or Peace Officer to apprehend such Woman...cause her to be examined by some Medical Officer to ascertain whether or not she has a Contagious Disease, and in case, on such Examination it has been ascertained that such a woman has a Contagious Disease.....to be detained for no longer a Period than Three Months.<sup>1</sup>

The CDAs have received considerable critical attention, often understood as a barometer indicating the role and regulation of sexuality more broadly in Victorian Britain.<sup>2</sup> Influential studies by Frank Mort, Judith Walkowitz, Paul McHugh and Mary Spongberg, amongst others, have shown that the regulation of prostitution was one of the key political and social concerns of the mid to late nineteenth century.<sup>3</sup> The political turn to prostitution was bound up with a wide range of concerns that touched broadly on issues of sex including, for example, debates about the family and religion as well as debates about sexuality itself.<sup>4</sup> The debates about the CDAs forced a reassessment of the Victorian ideal of the family, as they

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<sup>1</sup> *Contagious Diseases Prevention Act*, C.85, 29<sup>th</sup> July, 1864, p712, Nos 14 & 15, Library of the Law Society, London.

<sup>2</sup> See Edward Bristow, *Vice and Vigilance* (Dublin: Gill and Macmillan, 1977); Judith Walkowitz, *Prostitution and Victorian Society: Women, Class and the State* (Cambridge: Cambridge University Press, 1980); Paul McHugh, *Prostitution and Victorian Social Reform* (London: Croom Helm, 1980); Frank Mort, *Dangerous Sexualities: Medico-Moral Politics in England since 1830* (London: Routledge & Kegan Paul, 1987); Mary Poovey, *Uneven Developments: The Ideological Work of Gender in Mid-Victorian England* (London: Virago, 1989); Margaret Jackson, *The Real Facts of Life: Feminism & the Politics of Sexuality c1850-1940* (London: Taylor & Francis, 1994); Mary Spongberg, *Feminizing Venereal Disease: The Body of the Prostitute in 19<sup>th</sup> Century Medical Discourse* (Basingstoke: Macmillan, 1997); Philip Howell, *Geographies of Regulation* (Cambridge: Cambridge University Press, 2009); Paul Thomas, "Perjorative Views, Draconian Legislation & Reactionary Opposition: the CDAs and Women", *Women in Society*, Vol. 4 (Autumn, 2012); Ben Griffin, *The Politics of Gender in Victorian Britain* (Cambridge: Cambridge University Press, 2012).

<sup>3</sup> Frank Mort, *Dangerous Sexualities*; Judith Walkowitz, *Prostitution and Victorian Society*; Paul McHugh, *Prostitution and Victorian Social Reform*; Mary Spongberg, *Feminizing Venereal Disease*.

<sup>4</sup> *Sex, Sin and Suffering, Venereal Disease and European Society since 1870*, ed. by Roger Davidson and Lesley Hall (London: Routledge, 2001); Lucy Bland, *Banishing the Beast: Feminism, Sex and Morality* (London: Tauris Parke, 2002).

exposed the vices of middle class and upper class men whose illicit sexual encounters frequently brought venereal diseases and illness into the home. Twenty years after the CDAs were enacted, for example, one of the main debates which continued to bring prostitution to public attention focused on the journalist W.T.Stead's series of campaign articles in the *Pall Mall Gazette* on the trafficking of women and children and the age of consent, called the "Maiden Tribute of Modern Babylon."<sup>5</sup>

One of the defining features of the discussions about prostitution, and especially the figure of the prostitute, is that they reflected Victorian class anxieties. Regenia Gagnier, in her analysis of Henry Mayhew's interviews with working people, has pointed out that there was a 'proliferation from the 1830s of discourse on crime, prostitution, infectious diseases etc, which derived from upper class fears that the general population, thus infected, would overwhelm them.'<sup>6</sup>

Judith Walkowitz in turn, whose study of prostitution in Victorian society has so influentially turned critical attention to the issue, has shown that the figure of the prostitute was understood in classed terms. According to her evidence, entry into prostitution seems to have been predicated on the urban job market and economic circumstance, and there was little difference in financial terms between a prostitute and the enormous number of working class women in low-paid employment.<sup>7</sup> Working class women, regardless of the work they conducted, suffered from sexualised negative stereotyping. Carol Smart has shown that assumptions about the 'lascivious working class woman' were widespread, influencing the introduction of the CDAs which sought to control her alleged ability to 'undermine the health

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<sup>5</sup> W. T. Stead, "Maiden Tribute of Modern Babylon", *Pall Mall Gazette*, 6<sup>th</sup> July, 1885.

<sup>6</sup> Regenia Gagnier, *Subjectivities: A History of Self-Representation in Britain, 1832-1920* (Oxford: Oxford University Press, 1991), p64.

<sup>7</sup> Judith Walkowitz, *Prostitution and Victorian Society*, p14

of the nation.<sup>8</sup> According to Anna Davin, this image of ‘highly sexual’ working-class women furthermore went hand in hand with middle and upper classes’ conception of the poor as ‘scarcely human.’<sup>9</sup> This image supports the interpretation of the anxieties of those classes in their interaction with the poor as identified by Gagnier above, and links in with the perceptions of the medical profession as illustrated in the writings of William Acton below.

Medicine played a major role in the gendering of the CDA debates. Mary Spongberg, for example, has shown how medical discourse about venereal diseases was directed solely towards women. As she points out, until the end of the nineteenth century ‘medical discourses pathologized the female reproductive system and linked it to the deviant sexuality of the prostitute.’<sup>10</sup> Spongberg argues that medical discourse ‘influence the construction of the prostitute as a pathological female and contaminated other’, showing how the CDAs disallowed prostitutes the same rights as ‘virtuous women’, turning them into beings ‘without legal personalities, merely a source of disease to be contained.’<sup>11</sup> In other words, prostitutes became associated with disease, a stereotype that in turn provided the justification for both the conception of the CDAs themselves and the methodology behind the legislation.

A brief comparative analysis of the writings on female sexuality by gynaecologist William Acton and social commentator William Greg illustrates the dominant assumptions at the time of the CDAs. Acton was a medical reformer and specialist in venereology and, by 1840, a member of the Royal College of Surgeons. While historian Paul McHugh suggests that

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<sup>8</sup> Carol Smart, “Disruptive Bodies and Unruly Sex”, in *Regulating Womanhood: Historical Essays on Marriage, Motherhood and Sexuality*, ed. by Carol Smart (London: Routledge, 1992), p28.

<sup>9</sup> Anna Davin, “When is a Child Not a Child?” in *Politics of Everyday Life*, ed. by H. Corr and L. Jamieson (Basingstoke: Macmillan, 1990), p50.

<sup>10</sup> Mary Spongberg, *Feminizing Venereal Disease*, pp66 & 73.

<sup>11</sup> Mary Spongberg, *Feminizing Venereal Disease*, p11.

Acton's text *Prostitution considered in its Moral, Social and Sanitary Aspects* 'provided an enormously influential argument for the humane treatment of prostitutes,'<sup>12</sup> other critics, including Mort, Spongberg and Walkowitz agree that both *Prostitution* and *Functions and Disorders of the Reproductive Organs in Childhood, Youth, Adult Age and Advanced Life*, both published in 1857, were considered crucial catalysts for the passage of the Acts.<sup>13</sup>

Reading Acton's text closely reveals a strong sense of misogyny as the following extract from *Prostitution* shows: 'She is a woman with half the woman gone, and that half containing all that elevates her nature, leaving her a mere instrument of impurity, degraded and fallen[...] a social pest, carrying contamination and foulness to every quarter to which she has access.'<sup>14</sup> Acton's underlying attitude toward, and recommended treatment of, the urban poor is extremely negative and like many reformers, as Walkowitz has argued, 'Acton retained a middle-class fixation on respectable behaviour and a Protestant work ethic that made it impossible for him to relate directly to lower class life.'<sup>15</sup> Here again, class-related issues directed the debates. Echoing Acton's inability to connect fully with the working class and the underlying condescending approach, *The Lancet*, claiming in 1871 success for recent improvements in working-class habits, asserted that 'Medics were the true friends of the labouring classes, for they knew more about the genesis of poverty and the needs of the working man than any other group in the community.'<sup>16</sup>

Acton spread the belief that prostitution and venereal disease were fundamentally linked, and that medical men were better equipped to deal with these twin issues rather than the

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<sup>12</sup> Paul McHugh, *Prostitution and Victorian Social Reform*, p17.

<sup>13</sup> William Acton, *Prostitution considered in its Moral, Social and Sanitary Aspects* (London: J. Churchill, 1857); William Acton, *Functions and Disorders of the Reproductive Organs in Childhood, Youth, Adult Age and Advanced Life* (London: J. Churchill, 1857).

<sup>14</sup> William Acton, *Prostitution considered in its Moral, Social and Sanitary Aspects*, p119.

<sup>15</sup> Judith Walkowitz, "Notes on the History of Victorian Prostitution", *Feminist Studies*, Vol. 1, No. 1, (Summer, 1972).

<sup>16</sup> "Outpatient Administrative Reform", *The Lancet*, Vol. 1. (6<sup>th</sup> May, 1871), p619.

moralist.<sup>17</sup> In *Functions and Disorders*, Acton first propounded the theory that sexuality was one of ‘the areas of social life that are revealed only to medical men, in the hope that they may be in a position to suggest some mode of relief.’<sup>18</sup> At a meeting of the Royal Medical Society in 1860 Acton accused philanthropists and clergymen of failing to reform the problem and advised that scientific investigation was now required. ‘Prayers and lamentations were but “paltry, peddling scratches” on the surface of evil.’<sup>19</sup> This attitude reflects the growing confidence of medical men in social matters. Frank Mort suggests that in the course of the nineteenth century the conviction grew ‘that state-backed medicine, as opposed to voluntary and charitable efforts, provided the ultimate solution to pressing social problems.’<sup>20</sup> According to Acton himself, the supposed state of sexual excitement engendered in prostitutes made them infectious, and he tolerated prostitution only because he saw it as a social necessity. To borrow the words of Spongberg: ‘Acton’s writings reveal an underlying fear that ‘sex, even marital sex, somehow created depravity in a woman, which was a constant reminder of the fragility of femininity.’<sup>21</sup>

It was not only medical literature which condemned the prostitute as the carrier of disease, whilst ignoring the role played by her client. The equally prominent and influential social commentator William Rathbone Greg advocated a system of regulation based on the similar premise that prostitution and VD were one and the same. Like Acton, Greg gave the impression of being a moderate in trying to find a balance between moral principle and social reality. Cultural historian Mary Poovey suggests that for Greg the definition of sexual

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<sup>17</sup> See, for example, Mary Spongberg, *Feminizing Venereal Disease*, p50.

<sup>18</sup> William Acton, *Functions and Disorders of the Reproductive Organs in Childhood, Youth, Adult Age and Advanced Life considered in the Physiological, Social and Moral Relations*, p142.

<sup>19</sup> “Theology and Therapeutics”, *The Lancet*, Vol. 1. (3<sup>rd</sup> March 1960), p226.

<sup>20</sup> Frank Mort, *Dangerous Sexualities*, p55.

<sup>21</sup> Mary Spongberg, *Feminizing Venereal Disease*, p52.



difference and the social organisation of sexual relations was a natural, not a social phenomenon and that whilst Greg lamented the double standard he accepted both it and prostitution as inevitable.<sup>22</sup> In his article “Prostitution” in the *Westminster Review* in 1850, Greg confirms this view: ‘we do not argue for the application to men of a sterner code than, in the present state of human progress, could be borne.’<sup>23</sup> This text was a watershed in public debates about prostitution, and represented ‘the first major penetration of this emotionally difficult subject into the regular reading matter of the literate middle classes.’<sup>24</sup> Greg differed from Acton in his focus on marriage; understanding that the age for marriage was getting older, he believed that: ‘illicit intercourse will and must prevail to a considerable extent.’<sup>25</sup> It is worth noting that at no point did Greg suggest that examination and confinement might infringe a prostitute’s personal liberty, and he justified legislation by declaring that ‘the same rule of natural law which justified the officer in shooting a plague-stricken sufferer who breaks through a *cordon sanitaire*, justifies him in arresting and confining the syphilitic prostitute who, if not arrested, will spread infection all around her.’<sup>26</sup> The writings by Acton and Greg show, then, how debates about prostitution were shaped by negative assumptions about women’s bodies, bodies that were seen to be dangerous because of their perceived sexuality.

While much of the debates about the CDAs focus on women, Frank Mort has shown that male sexual equality became a target for reform. Pointing out that ‘moral and feminist discourses were inseparable’, he turns attention to the fact that repealers of sexual regulation

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<sup>22</sup> Mary Poovey, *Uneven Developments: Ideological work of Gender in Mid-Victorian England*, pp 3 and 5.

<sup>23</sup> William Rathbone Greg, “Prostitution”, *Westminster Review*, Vol. 53, (1850), p267.

<sup>24</sup> *Prostitution in the Victorian Age: Debates on the issue from 19<sup>th</sup> century critical journals*, introduced by Keith Neild, p40.

<sup>25</sup> William Rathbone Greg, “Prostitution”, *Westminster Review*, p481.

<sup>26</sup> William Rathbone Greg, “Prostitution”, *Westminster Review*, p491.

laid the blame for moral corruption at the door of male aristocracy<sup>27</sup>. Mort mentions Stansfeld's contribution to the repeal movement. He quotes from Stansfeld's speech in favour of the repeal of the CDA's where Stansfeld describes the CDAs as a contravention of moral laws, 'calculated to degrade and debase the manhood and womanhood of the country'.<sup>28</sup> For Mort, then, Stansfeld was an important figure in the debates because of the attention he paid to both male and female sexuality in this context.

This thesis builds on and extends the existing scholarship by turning fresh attention to how the debates about VDs played out in the political arena. Whilst, during the nineteenth century, citizenship was a masculine concern, the gendering of political life increasingly came under scrutiny.<sup>29</sup> By the 1840s young Unitarian lawyers like Stansfeld had, according to Catherine Hall, Keith McClelland and Jane Rendall already clearly identified 'women's enfranchisement as an essential part of their political utopia.'<sup>30</sup> If, as Rohan McWilliam asserts in *Popular Politics in Nineteenth-Century Britain*, 'the purpose of the state at this time was to promote laissez-faire economics and personal freedoms, this would help to explain the fury of the campaigners against the CDAs, incensed by the ability of the state to interfere with personal liberty.'<sup>31</sup> Feminist historian Kathryn Gleadle, examining radical Unitarianism within this political framework, has shown that Unitarians such as Stansfeld, 'did develop a

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<sup>27</sup> Frank Mort, *Dangerous Sexualities*, p72.

<sup>28</sup> Frank Mort, *Dangerous Sexualities*, p69, *Substance of the speeches of the Rt. Hon. James Stansfeld, MP, on the CDAs* (London: National Association for the Repeal of the CDAs, 1875), p11, GB106 3/LNA/A/A/A/1, 19<sup>th</sup> October, 1875, WL.

<sup>29</sup> Mary Spongberg, *Feminizing Venereal Disease*, p60.

<sup>30</sup> Catherine Hall, Keith McClelland and Jane Rendall, *Defining the Victorian Nation: Class, Race, Gender & the British Reform Act of 1867* (Cambridge: Cambridge University Press, 2000), p128

<sup>31</sup> Rohan McWilliam, *Popular Politics in Nineteenth-Century England* (London: Routledge, 1998), p44.

concept of women's oppression, as manifest under the CDAs, focused on the metaphor of slavery.<sup>32</sup>

The thesis argues that the work of men such as Stansfeld was important because the legal vacuum in which prostitutes found themselves, a position in which the normal legal framework was absent, made it difficult for them to voice and organise action against the CDAs. This also helps to explain why public attention to this legislation took several years to ferment, due predominantly to the lack of formal opposition, 'the bills having been passed late at night with little or no debate.'<sup>33</sup> By a strange coincidence Bills for the prevention of CDs in cattle were also being debated under precisely the same name and perhaps the public thought the 1864 Act referred to bovine disease.<sup>34</sup> This legislative double, if inadvertently, reinforces the prostitute's lack of status as a subject of the state. In 1896 Josephine Butler recalled that 'they (CDAs) have been passed, not only without the knowledge of the country, but unknown in a great measure, to Parliament itself.'<sup>35</sup> Butler picks up on the apparent secrecy that shrouded the initial legislation, a secrecy that can be explained at least in part by the fact that both prostitution and sexuality remained taboo in Victorian society.

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<sup>32</sup> Kathryn Gleadle, *British women in the nineteenth century* (Palgrave: Basingstoke, 2001), p64.

<sup>33</sup> Constance Rover, *Love, Morals and the Feminists* (London: Routledge & Keegan Paul, 1970), p72.

<sup>34</sup> HC Deb 9<sup>th</sup> March, 1864, vol. 173, cc1740-53, Second Reading of Bill 27, *Cattle Diseases Prevention Bill*.

<sup>35</sup> Josephine Butler, *Personal Reminiscences of a Great Crusade* (London: Horace Marshall & Son, 1896), p18.

## The British Repeal Debates and the Influence of Women Philanthropists

Since the repeal of the CDAs united many different social reform and political factions as well as giving momentum to the budding feminist movement, it is perhaps no surprise that the efforts of anti-CDA campaigners, most famously Josephine Butler, have received detailed critical attention.<sup>36</sup> Whilst studies of the repealers are many, only one biography of Stansfeld exists, *James Stansfeld: A Victorian Champion of Sex Equality*, published in 1932. It provides a factual account of his life, and conveys a sense of his nonconformist childhood as a deep and lasting influence on his maturing character. There are a number of recent texts which assist, however, in examining his political significance.<sup>37</sup> This project revisits some of the debates about Josephine Butler, the social purity movement and other reform organisations to contextualise the role of James Stansfeld as a negotiator between activists and politicians in Britain.

Opposition to the CDAs built steadily. By 1872, the movement for legal reform and social purity, and by association, women's rights, became progressively more active. The ensuing feminist attack on the CDAs mobilised a diverse range of women to speak on the regulation

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<sup>36</sup> Jane Jordan, *Josephine Butler* (London: John Murray, 2001); Glen Petrie, *A Singular Iniquity: The Campaigns of Josephine Butler* (New York: Viking Press, 1971); E. Moberley Bell, *Josephine Butler* (London: Constable, 1961); Annemieke van Drenth & Francisca de Haan, *The Rise of Caring Power: Elizabeth Fry and Josephine Butler in Britain and the Netherlands* (Amsterdam: Amsterdam University Press, 1999); Antoinette Burton, "States of Injury: Josephine Butler on Slavery, Citizenship & the Boer War", in *Women's Suffrage in the British Empire: Citizenship, Nation & Race*, ed. by Christopher Fletcher, Laure E. Nym Mayhall & Philippa Levine (Abingdon: Routledge, 2000); Anne Summers, "Which Women, What Europe? Josephine Butler and the International Abolitionist Federation", *History Workshop Journal*, Issue 62 (Autumn, 2006); Barbara Caine, *Victorian Feminists* (Oxford: Oxford University Press, 1992).

<sup>37</sup> *Citizenship & community: Liberals, radicals & collective identities in the British Isles, 1865-1931*, ed. by Eugenio Biagini (Cambridge: Cambridge University Press, 1996); Margot Finn, *After Chartism: Class & Nation in English Radical Politics 1848-1874* (Cambridge: Cambridge University Press, 1993); Benjamin Weinstein, *Liberalism & Local Government in Early Victorian London* (Woodbridge: Royal Historical Society, 2011).

of female sexuality, opposing the sexual and political prerogatives of men. Initially feminist repealers of the CDAs perceived prostitutes as ‘fallen women’ and as victims of patriarchy for whom prostitution was a temporary occupation.<sup>38</sup> By formally controlling prostitution, the Acts were perceived as condoning it, implying its legality. To those who opposed them, the Acts were seen both as an infringement of personal freedom, and as a misleading moral *proforma* for guiding public behaviour, the sequelae of which were potentially disastrous. Thus their damage was being felt at two societal tiers: that of the individual and that of the community.

Whilst the military, political and other forms of state governance were, without exception, ruled by men, the charitable and voluntary nature of the organisations involved in philanthropic debates were almost exclusively dominated by women. Importantly, as suggested by social historian, Franklyn Prochaska, the prosecutory role of these societies allowed women to become involved in the male legal process in ways they had not been able to before, for although predominantly supporting causes which related to women and children, the opportunities within this banner were various, allowing access to work in hospitals, workhouses and prisons, for example. By the 1880s there were over 500,000 women in philanthropic work.<sup>39</sup> Agitational engagement was spearheaded initially in the late 1860s through predominantly, but not exclusively, a number of feminist organisations which were extremely complex. The gendered make up of these societies, the tensions and overlap between feminist motivation and religious belief and the way in which the debates changed contours over the second half of the nineteenth century deepens our understanding

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<sup>38</sup> Linda Nead, *Myths of Sexuality: “Representations of Women in Victorian Britain”*, pp349-358, *The Victorian Studies Reader*, ed. Kelly Boyd and Rohan McWilliam (Oxford: Routledge, 2007).

<sup>39</sup> Franklyn Prochaska, *Women and Philanthropy in 19<sup>th</sup> Century England* (Oxford: Clarendon Press, 1980), p224.

of the real impact of these philanthropic groups on the sexuality debates, as well as providing context for James Stansfeld's intervention in the issue. To illustrate some of the workings and concerns of the philanthropic ventures, I introduce here two such organisations, the Ladies National Association and the White Cross Army, which were both spearheaded by women.

### **The Ladies National Association (LNA)**

A year after the final CDA was passed in England in 1868 a group of libertarian activists led by Josephine Butler and her colleague Elizabeth Wolstenholme, set up the Ladies National Association (LNA). Butler, herself later recalls the anxieties these women faced prior to its inauguration: 'there was much preparation of heart, nerve and mind necessary for such a task as was now opening up before us. It was not a thing to be taken up hastily,'<sup>40</sup> she wrote in her *Reminiscences*. On New Year's Day 1870, the LNA published its first manifesto, 'A Ladies Protest', in the *Daily News*, signed by one hundred and twenty four women including Butler, Florence Nightingale and Harriet Martineau. The manifesto condemned the Acts on eight issues, notably pointing out that: 'So far as women are concerned, the Acts remove every guarantee of personal security which the law has established and held sacred, and put their reputation, their freedom and their persons absolutely in the power of the police.'<sup>41</sup> Objection to the CDAs was predicated on their beliefs in Christianity and libertarianism, defined in feminist and political terms as fighting for the right of prostitutes to be free of

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<sup>40</sup> Josephine Butler, *Personal Reminiscences of a Great Crusade* (London: Horace Marshall, 1896), p14.

<sup>41</sup> Josephine Butler, "Letter to My Countrywomen, Dwelling in the Farmsteads and Cottages of England, 1871", quoted in *The Sexuality Debates*, ed. by Sheila Jeffreys (London: Routledge and Kegan Paul, 1987) p151.

random government interference.<sup>42</sup> The LNA thus promoted the individual rights of those who sold their bodies on the street, and was thus distinguished by its commitment to poor women's rights to some measure of sexual self-determination and its willingness to work with working-class organisations. Stemming from a strong Christian base, this group of middle-class women supporting working-class 'sisters' incorporated not only anti-statist intervention per se, but also advocated individual rights for all women, this support being at the heart of Butler's commitment.<sup>43</sup>

Walkowitz defines the essential grievances of the LNA as: 'a violation of the legal safeguards hitherto enjoyed by women in common with men; an allowance of police power over women; a punishment of the sex who were the victims of vice and an ignoring of the sex which was the main cause of both vice and its dreaded consequences; a smoothing of the 'path of evil' for our sons; failure as moral and sanitary legislation.'<sup>44</sup> It is important to emphasise that the LNA was not against prostitution, but against legislation to control it. Feminist activist and prominent member of the LNA, Mary Hume-Rothery understood that under contemporary conditions, women had little choice but to 'sell themselves whether to wealthy husbands or to less eligible purchasers.'<sup>45</sup> It was also alleged that public perception of the Acts encouraged the idea of the government condoning vice and legitimising the prevalent double standard of sexual morality. Butler refused male constructions of female sexuality, arguing that however 'degraded' a woman, men had no right to violate her. In a speech at the 1877 Federation Congress in Geneva Butler vocalised this. 'You have no right gentlemen to outrage any

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<sup>42</sup> Margaret Jackson, *The Real Facts of Life: Politics of Sexuality c1850-1940* (London: Taylor & Francis, 1994), p25.

<sup>43</sup> Josephine Butler, *Personal Reminiscences of a Great Crusade*, p319.

<sup>44</sup> Judith Walkowitz, *Prostitution and Victorian Society* p128.

<sup>45</sup> Mary Hume-Rothery, Letter addressed to Right Hon. W.E. Gladstone, MP...touching the Contagious Diseases Acts of 1866 and 1869...(Plymouth: *Western Daily Mercury*), 20<sup>th</sup> July, 1870.

woman whatsoever, were she the most guilty, the most fallen, the most lost in the world.’<sup>46</sup>

Within the male dominated enclave of political discourse subjects such as divorce, prostitution and women’s emancipation were outside the parameters and faced with this misogyny women in the CDA repeal movement relied on, as Mort describes, ‘radical dissenting religion.’<sup>47</sup> Religious language offered a rhetoric of resistance and a strength of moral certainty which female repealers believed to be sufficiently powerful to take on the weight of the medical and political establishment.

Paul McHugh, who put the LNA movement against CDAs at the heart of his investigation in *Prostitution and Victorian Social Reform*, explores both the campaign organisation itself and the role of women within the movement.<sup>48</sup> He suggests that it revolved around Butler’s charismatic leadership, and thus, when it was suggested that James Stansfeld might have chaired the LNA’s business meetings, Butler replied that women should be seen to conduct their own affairs and indeed, were very capable of so doing.<sup>49</sup> This response is important in our understanding Butler’s challenge, to even a close, but male, colleague. McHugh attests that creating a women’s movement to agitate on such a distasteful subject was itself a major achievement.<sup>50</sup> However, in assessing the campaign in its own right, he indicates that even this vociferous pressure was affected by wider political forces, which strengthened Liberal politicians in the Commons, James Stansfeld amongst them, and correspondingly diminished the number of hardline supporters of the CDAs in the Tory opposition.<sup>51</sup>

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<sup>46</sup> Josephine Butler, Address to the Federation Congress, Geneva, 1877, (*The Shield*, 3<sup>rd</sup> November, 1877), p275, This speech has been discussed by Susan Kingsley Kent in *Sex and Suffrage in Britain, 1860 – 1914* (Princeton, NJ: Princeton University Press, 1987), p74.

<sup>47</sup> Frank Mort, *Dangerous Sexualities*, p69.

<sup>48</sup> Paul McHugh, *Prostitution and Victorian Social Reform*, Chapters 5 and 6.

<sup>49</sup> Josephine Butler, *The Shield*, 4<sup>th</sup> November, 1876, p347.

<sup>50</sup> Paul McHugh, *Prostitution and Victorian Social Reform*, p165.

<sup>51</sup> Paul McHugh, *Prostitution and Victorian Social Reform*, pp163-184.



The LNA leadership saw themselves as representative of the women who were oppressed by the Acts, using the metaphor of ‘sisterhood.’ Butler confided to her own sister in 1875, ‘we have not only remembered those that are in bonds, as being bound with them, but actually suffered with them [...] Womanhood is *solidaire*.’<sup>52</sup> Butler, on behalf of the LNA, gave evidence before a Royal Commission in 1871, her message clear and unequivocal: ‘We claim that laws shall not be made whose practical effect [...] is to offer protection and immunity to the sinner in the practice of his sin. Prove to us, if you can, that these Acts promote chastity among men, for that is what we are concerned about.’<sup>53</sup> Perhaps the most significant aspect of the LNA is that this female battle was not only against state regulated prostitution and the double standard but an integral part of a movement which included property rights, franchise and access to higher education, all aimed at a redefinition of the roles and relationships between men and women.<sup>54</sup> The sensation caused by the publication of the *Ladies Manifesto* aroused further interest in the Acts and protest committees quickly formed in London, Edinburgh and Glasgow.<sup>55</sup> In March 1870 the LNA repeal journal, *The Shield*, was launched, taking its name from the Bible narrative of Paul to the Ephesians: ‘The shield of faith wherewith ye shall be able to quench all the fiery darts of the wicked.’<sup>56</sup>

Equally against state regulation of private life, and accordingly in favour of individual freedom, another organisation, the Vigilance Association (VA) was formed by Butler and others in March 1871 as the most important offshoot of the LNA. Its chief object, as historian M.J.D.Roberts describes, was to ‘uphold the principle of the perfect equality of all persons

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<sup>52</sup> Josephine Butler, *An Autobiographical Memoir* (Bristol: J. Arrowsmith, 1913), p105.

<sup>53</sup> Parliamentary Papers, House of Commons, 1871, C.408, xix, *Minutes of Evidence*, p438..

<sup>54</sup> Judith Walkowitz, *Prostitution and Victorian Society*, pp113-114, 125-128.

<sup>55</sup> Mary Spongberg, *Feminizing Venereal Disease*, p74.

<sup>56</sup> Epistle of Paul the Apostle to the Ephesians, Chapter 6, v.16, New Testament, *The Holy Bible* (Cambridge: Cambridge University Press), p259.

before the law, irrespective of sex or class.<sup>57</sup> For Butler the VA extended the mandate beyond prostitution into wider sexual economics and the problems faced by women in the workplace. Roberts has written extensively on the VA and suggests that although poorly subscribed it was important because its executive, ‘provided as near an equivalent to a theory-debating inner circle for the most radical and agenda-setting section of the feminist elite as existed between the early 1870s and mid-1880s.’<sup>58</sup> Many members of this elite group, including Elizabeth Wolstenholme and Lydia Becker, turn up repeatedly in the key debates of later Victorian sexual politics. The aspect of modern social planning which was important to the VA was the way in which, according to Roberts, it took advantage of the physiological sexual identity of women to leave them solely responsible for the ‘socially measurable consequences of reputedly consensual male-female sexual activity, ie babies, STDs.’<sup>59</sup> The LNA and the VA were strongly gendered, administered by women and directed towards women’s individual rights, which led to the natural extension of female rescue work into the arena of moral reform. During the 1880s aid to ‘fallen’ women, eliminating the sexual double standard, and erasing the legacy of the CDAs in India were paramount concerns for the moral purity movement.

### **The White Cross Army (WXA)**

By the 1880s and 1890s many active feminists including Millicent Fawcett, Catherine Booth and Elizabeth Blackwell were changing their views, and hostility to state intervention began to wane. Historian Edward Bristow suggests that for Butler the social purity movement ‘had begun to lose sight of her ideas of the “supremacy of conscience”, with its non-repressionist

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<sup>57</sup> M.J.D. Roberts, “Feminism & the State in Late Victorian England”, *The Historical Journal*, No.38,1 (1995), p88.

<sup>58</sup> M. J. D. Roberts, “Feminism & the State in Late Victorian England”, p89.

<sup>59</sup> M.J.D. Roberts, “Feminism & the State in Late Victorian England”, p92.

implications.’<sup>60</sup> The logic behind this was that if women could be active within state institutions, they could change them accordingly. In order to achieve this, in terms of sexual expression, women themselves must be above reproach and men must support them by whatever means, litigiously if necessary. This *volte face* helps to explain why feminism and the civil rights of women were not at the forefront of a different and perhaps unexpected contributor to the debates: the White Cross Army (WXA). The WXA was conceived in the mid-1870s by Ellice Hopkins and complicates our understanding of the issues at stake because firstly it directed its purity requirements at working-class men specifically and secondly it developed a punitive scale of rescue, in which the state was directly involved with men. The evangelical Hopkins travelled around the UK throughout the 1870s, lecturing on temperance, purity and the gospel, and her experiences led her to found the WXA, with the strong support of Bishop Lightfoot of Durham. One of the most important of the Social Purity Movement groups, and the single male-only (although conceived by women), organisation of the period, the WXA heavily utilised the monthly *Working Men’s National League Journal* to proselytise. It aimed to become ‘a society for the promotion of social purity for the purpose of banding men together to respect their own purity, not to do or suffer injury to be done to women, and to endeavour to spread principles of purity among friends and neighbours.’<sup>61</sup> It was one of the very few societies to emphasise male culpability within a still overwhelmingly patriarchal societal structure. In total contrast to the LNA, the WXA had a male membership, drawn not from the drawing-rooms but from the beer-halls. Based on protective, preventative and correctional themes of rescue, Hopkins employed enormous numbers of women as workhouse visitors, collectors of second hand clothes and officers,

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<sup>60</sup> Edward Bristow, *Vice and Vigilance*, p77.

<sup>61</sup> National League Journal August 1883, Public Meeting at Plymouth, cited in Judith Walkowitz, *Prostitution and Victorian England*, p242.

many of them local LNA leaders. According to historian Edward Bristow their tasks included ‘organising training homes, shelters, free-employment registries and prison-gate missions.’<sup>62</sup> The ideology of the WXA was spread through these enormous and highly motivated networks as evangelists, church, chapel and the Catholic hierarchy all joined with the feminists against sexual vice. Branches of the WXA developed rapidly in the service barracks throughout most parts of the British Army and, according to Prochaska, the organisation was ‘a peculiarly Victorian attempt to get men to mend their ways, and may be seen as part of the moral arsenal of the Empire.’<sup>63</sup> The iconography of its emblem represented white for purity, the league for disciplined strength and the cross for the underlying truth of the fight for Christ.<sup>64</sup> The WXA’s linking of a fervent evangelical Christianity with a seemingly obsessive desire for punishment produced considerable tension between Hopkins on one side and Butler and Stansfeld on the other, which in turn encouraged the disparate directions in which their alliance now took them and their followers. The latter’s tenets of individual freedom and rights, culminating in female sexual equality, was quite simply at odds with the zealous Hopkins.

As the organisation grew exponentially, Hopkins’ proselytising crusade continued into the 1880s. At a meeting called by Bishop Fraser in Manchester in 1882 she addressed a significant gathering of city business and religious leaders, and she also spoke that year at the Derby Church Congress. She was at Lambeth Palace in 1883 at the inception of the Church of England Purity Society (CEPS), established under the active presidency of Archbishop Bendon. Later in 1883, in a significant oration, Hopkins spoke in the mining village of Bishop Auckland. Out of an audience of 300 pitmen and clerks that evening, 139 came

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<sup>62</sup> Edward Bristow, *Vice and Vigilance*, p78.

<sup>63</sup> Franklyn Prochaska, *Women & Philanthropy in 19<sup>th</sup> Century England*, p216.

<sup>64</sup> Rosa Barrett, *Ellice Hopkins*, p157.

forward to pledge purity.<sup>65</sup> During this period of the early 1880s, whilst Hopkins continued to wield her punitive weaponry, Stansfeld was making every effort to push his Repeal Bill through the Commons; Chapter One demonstrates this determination in more detail.

Despite the fact that the WXA appeared to have little central direction and no specific religious affiliation, (many of the 15,000 men who had taken the pledge by 1885 were nonconformists), this organisation became the quintessential society for encouraging working-class men toward a greater chastity and freeing working-class women from sexual coercion.<sup>66</sup> The latter freedom came at a price, however, that of the women making the morally correct choice not to become prostitutes.

As a rescue worker among the country's brothels Hopkins attitude was, 'We are not going to quench this pit of hell in our midst by emptying scent bottles upon it.'<sup>67</sup> Whilst the LNA pioneered interest in sexual and class self-determination, Hopkins and social purity associations, convinced that sex and sexuality were deeply problematical, continued to fight for tighter controls, which in turn would cause less harm to society. These associations were both morally and physically repressive and totally supported the policing of red light districts, which only affected working-class women. Thus, whilst Stansfeld and Butler continued to campaign for the rights of all women, Hopkins continued to focus specifically on the sins of lower-class men and women. This outline of two of the major women-led philanthropic organisations provides a sense of the complex issues at stake and shows that the repeal movement was by no means politically unified. The shift from the LNA to the WXA also makes clear, however, that many women repealers increasingly turned toward state

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<sup>65</sup> Frank Mort, *Dangerous Sexualities*, p93.

<sup>66</sup> Frank Mort, *Dangerous Sexualities*, pp95-98.

<sup>67</sup> Ellice Hopkins, *The Present Moral Crisis: An appeal to women* (London: Dyer Brothers, 1886) p3.

intervention and the political arena. Stansfeld became an important link between this kind of activism and parliamentary politics.

### **The Focus on India**

Debates about the regulation of prostitution were not confined to Britain. Scholars have shown that the regulation of sexuality was closely tied in to imperial concerns and British rule over India. In her influential study of the Indian Contagious Diseases legislation, Philippa Levine compares and contrasts the differing contagious disease regulations in Britain and India, arguing that Indian legislation was far more severe than that in Britain. Emphasising that British rule in India was predicated on ‘whiteness, maleness and Europeaness’,<sup>68</sup> she contends that the more punitive approach to sexual regulation stemmed from a ‘basic understanding of colonialism as a civilising structure aiding an unstable and unmodern population.’<sup>69</sup> A number of scholars, including Kenneth Ballhatchet, Thomas Metcalfe, Harald Fischer-Tiné and Michael Mann, have turned to the ICDA to critique the way in which the ‘civilizing mission’ of the Victorian Empire perpetuated abuse: by ostensibly seeking to protect the health of the British troops, imperial legislators showed little concern for the Indian women who were a main target of the ICDA.<sup>70</sup> Yet, as for instance historian Ratnabali Chatterjee has argued, it was the Indian prostitutes who suffered most under the ICDA. Chatterjee has shown that Indian prostitutes typically came from high-caste Hindu communities, driven to make a living in this way because the social stigma of

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<sup>68</sup> Philippa Levine, *Prostitution, Race and Politics: Policing venereal disease in the British Empire* (London: Routledge, 2003), p6.

<sup>69</sup> Philippa Levine, *Prostitution, Race and Politics*, p61.

<sup>70</sup> Kenneth Ballhatchet, *Race, Sex and Class under the Raj* (London: Weidenfeld & Nicolson, 1980); Thomas R. Metcalf, “Ideologies of the Raj”, *The New Cambridge History of India* (Cambridge: Cambridge University Press, 1995); *Colonialism as a Civilizing Mission: Cultural Ideology in British India*, ed. by Harald Fischer-Tiné and Michael Mann (London: Anthem, 2004).

widowhood forced them to support themselves. In her analysis of these women, she suggests that they became caught in the struggle between colonial authorities and Indian authorities, seen as a mere commodity and with a body that became a ‘battleground, from which medical, legal, cultural and political differences developed into an intricate framework of punitive authority.’<sup>71</sup>

Other post-colonial scholars such as Ashwini Tambe, Sumanta Banerjee and Kokila Dang have further developed understanding of the issues at stake by examining in detail the overlaps between sexual and racial politics under colonial rule. They argue that race as well as gender was a crucial aspect of the formulation and execution of the Indian Contagious Diseases Act.<sup>72</sup> In order to understand the racialised logic which surrounded the ICDA, for example, Tambe has traced how the perception of prostitution changed under the ICDA, which replaced older ideas about the immorality of prostitution with a new focus on prostitution as a pathological activity and a crime. This conception of ‘crime’ she argues, allowed the Government of India alone legitimate recourse to violence.<sup>73</sup> Tambe shows how the ICDA illogically and disproportionately lay blame only on women’s bodies and ‘thereby studying women’s bodies, allowing the production of knowledge about colonised women as sexual beings.’<sup>74</sup> This perceived moral failing was then translated into a physical disease.

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<sup>71</sup> Ratnabali Chatterjee, *The Queen’s Daughters: Prostitutes as an Outcast Group in Colonial India* (Bergen: Chr. Michelsen Institute, 1992), p8.

<sup>72</sup> Ashwini Tambe, *Codes of Misconduct: Regulating Prostitution in Late Colonial Bombay* (Minneapolis, MN: University of Minneapolis Press, 2009), p14; Sumanta Banerjee, *Under the Raj: Prostitution in Colonial Bombay* (Calcutta: Seagull Books, 1998), p49; Kokila Dang, “Prostitutes, Patrons and the State: Nineteenth Century Awadh”, *Social Scientist*, Vol 21, No. 9/11 (Sep-Oct., 1993), pp183-185.

<sup>73</sup> Ashwini Tambe, *Codes of Misconduct*, p2.

<sup>74</sup> Ashwini Tambe, *Codes of Misconduct*, p32.

In these debates too attention to Stansfeld's contribution expands our understanding of how political changes were made. After the repeals of the CDAs in Britain in 1886, Stansfeld and others shifted attention to India where the ICDA remained in force. These debates about India were linked to British parliamentary discourse in real ways. For, following the repeal of the British CDAs, Stansfeld headed the campaign for the abolition of the ICDA, which would be finally repealed in 1888, as a result of the public and parliamentary agitation of himself and other British campaigners which led to the fact that the 'registration and licensing of prostitutes, the old rigid, lock hospital system and even the hospitals themselves were abandoned.'<sup>75</sup>

However, in 1890 a new Indian Cantonment Act (ICA) came into force which did not explicitly recognise the 1888 Resolution of Repeal. Indeed, whilst there was no mention of prostitutes, nor VD or Lock Hospitals, such hospitals would continue to treat infectious and contagious diseases. Ballhatchet describes the proscription surrounding this ICA as follows: 'If an MO (Medical Officer) supposed that someone had a disease, that person, (sex unspecified) would have to report to the hospital or be expelled for refusal. The new system might not be compulsory, but it was hardly voluntary.'<sup>76</sup> This system, which mirrored earlier British CDA legislation, was wholly unacceptable to the British repealers. Under the auspices of the British Committee for the Abolition of the State Regulation of Vice in India, of which he was Chairman, Stansfeld again took the lead in repeal efforts. He engaged two American women missionaries, Dr. Katherine Bushnell and Mrs. Elizabeth Andrew, asking them to travel to India to check whether or not the 1888 Resolution was being respected. On the basis of their report Stansfeld instigated a Select Committee of Enquiry in 1893. The

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<sup>75</sup> R. Basu Roy, "Sexually Transmitted Diseases & the Raj", Presidential Address to the Medical Society for the Study of VD, 25<sup>th</sup> April, 1997, in *Sexual Transmission Information*, Vol. 74, (1998), p23.

<sup>76</sup> Kenneth Ballhatchet, *Race, Sex & Class under the Raj*, p62



overwhelming evidence resulting from this Enquiry showed that sexual regulation was continuing unabated despite Parliamentary repeal and it led to a final rescinding of such legislation in India at the close of the Enquiry. By tracing the shifts in the regulation of prostitution in India, and Stansfeld's role in bringing these issues to discussion in the House of Commons, the thesis aims to draw out the racialised as well as gendered dimensions of the ICDA and deepen understanding of the issues at stake in British colonial rule in India.

### **Excavating the Archives**

The project brings together archival research and close readings of autobiographical, political, journalistic, medical and sociological sources in order to demonstrate, for the first time, the role of James Stansfeld in the nineteenth century campaigns against Contagious Disease legislation within both British and Indian environments. The analysis of Stansfeld's life and work, on which much of this enquiry is centred, is based on his speeches, parliamentary papers and the contemporary records of the various repeal organisations to which he belonged, many of them as the Chair. The main repository of the repeal collection is housed at the Women's Library, situated in the London School of Economics. The investigation also includes original research in Halifax, West Yorkshire where he was born, with both ancestral and synchronic family history illuminating the early, lasting influences in his life.

Stansfeld was concerned not only with repeal of the CDAs, but in securing educational and professional opportunities for women. His considerable influence led to such opportunities within medicine, and the archives of the Royal Free Hospital in North London, the first hospital to take female students, hold records of the meetings and correspondence through

which Stansfeld achieved medical parity. The thesis reads this material in dialogue with a range of published and unpublished nineteenth-century writings produced in relation to the campaigns to repeal the CDAs, led by politicians and social reformers such as Josephine Butler and Katherine Bushnell. A key source are the proceedings of the Special Committee of 1893. This record of the official political debates is read alongside a range of other texts that deepen insight into the range of stakeholders in these debates. This material covers writings as diverse as Butler's, whose unique collection of letters, papers and books is also housed in the Women's Library, and editorial reports from regional newspapers of the time. Further archival examination has revealed the importance of the Women's World Temperance Association in Evanston, Illinois in shaping the evidence given at the Special Committee.

Finally, the political and journalistic works are also read alongside published and unpublished private correspondence and memoirs of contemporary observers, including those of Lord Kimberley, particularly his correspondence with Stansfeld, accessed through the Bodleian Library, Oxford. In this connection, medical and legal reports of the British Army throughout its tenure in British India, held in the Indian Collections of the British Library, work alongside material discovered in the National Archive in Delhi in translating the space inhabited by the India Office during the period. These papers illustrate the GOI's imitation and extension of Parliamentary sexual regulation to the colonial site, which, as a microcosm of annexation underlines the concept of 'the other', specifically the indigenous Indian woman.

This archival and historical research developed in relation to and engaging with a wide range of critical sources dealing with various aspects of nineteenth-century debates about sexuality,

politics, religion and the Empire includes the work of medical historians, postcolonial and feminist historians and critics and political observers. The thesis thus employs close reading strategies gleaned from literary analysis alongside methods of historical analysis and archival research to examine together such a range of texts and data. It provides new insights into the role of James Stansfeld in the development of the CDAs and ICDA's, and in so doing deepens understanding of the repeal networks.

### **Chapter Summaries**

The first part of this thesis concentrates on James Stansfeld's political life and the CDAs in Britain and in India from an entirely British viewpoint. It examines two of the most dominant influences in his life, Unitarianism and Liberalism, to show that the debates about the regulation of prostitution were closely tied into the development of modern liberal politics. This is followed by a shift in focus to what was happening on the ground in India itself, dissecting both the governance of India and exploring the indigenous population, both aspects central to the transference of sexual regulation to colonial India and the part played by Stansfeld, Butler and colleagues in its' repeal.

Chapter One charts Stansfeld's development from his first entry into the political arena in the late 1860s and junior appointments in the Admiralty and Treasury: the initial evidence of his joining the battle against the CDAs in a public fashion can be traced to 1872. The chapter argues that Stansfeld's endorsement of the rights of female prostitutes and his opposition to the violence of the British CDAs led to his wider support of equality and women's rights, including, for example, his work for the movement to educate female doctors.

Chapter Two focuses on Stansfeld's campaign against the Indian CDAs. Stansfeld gave notice in early 1888 of a motion in favour of repeal of the Indian CDA. Passed in the British Parliament, the Viceroy ordered the end to any practices involving registration and compulsory examination of women in military cantonments. However, this was not implemented. Following reports which confirmed that the CDAs remained operative in India, Stansfeld and Josephine Butler formed an association against the state regulation of Vice in India. Stansfeld's relentless pressure in the Commons led to a Select Committee of Enquiry in 1893 which passed full, although not lasting, repeal of all sexual regulation in India. The chapter examines in detail this Enquiry, arguing that the debates about India provide further insight into British assumptions about female sexuality and its regulation towards the end of the nineteenth century. Specifically, the Select Committee of Enquiry reveals both a general patriarchal hostility amongst government and military officials as well as broader anxieties about colonial rule.

Chapter Three explores the debates about and regulation of contagious diseases in India, surveying in more detail both the differences and similarities in prevailing attitudes towards prostitution in Britain and British India. The chapter charts and analyses the political, military and medical debates about the regulation of sexuality in late nineteenth-century India, which centred on issues of class, race and Britishness. In particular, the chapter explores the intricate monitoring of sexual practices through the Indian Contagious Diseases Act which proved considerably more oppressive than its British equivalent. The chapter demonstrates the single-mindedness with which the colonial government sought to control cantonment prostitution in order to protect its soldiers. However, it also shows that the same government did not interfere in matters of Hindi religious and social regulation; in effect mirroring the Hindi elite in their gender based orthodoxy. This is particularly apparent in the

notion of 'separate spheres', a term usually associated with male and female occupations, but here applied to the separations of both officers from private soldiers and also of the demarcation between British and Indian men.

Chapter Four concentrates on the main testimony to the 1893 Select Committee of Enquiry which formed the vital evidence in the repeal of the Indian Contagious Diseases Act. Stansfeld played a critical role in the Committee, not least because he collated evidence from the two female expert witnesses, Dr. Katherine Bushnell and Mrs. Elizabeth Andrew, who had travelled to India and sent their findings back to Britain. The chapter contextualises the work of these women, analysing the Women's World Christian Temperance Union (WWCTU) which nurtured them. This predominantly evangelical Protestant group, limited to women only, was the largest women's reform organisation of the nineteenth century. The chapter asks what made the WWCTU different from other proselytising and mission based groups, looking at its origins, ideology and the building of the movement. It embraced elements appealing to conservative church women and suffragists and socialists as well. The chapter then charts the narratives of Bushnell and Andrew on their journey around the ten cantonments of India in the winter of 1891/92. An analysis of the contribution of John Hyslop Bell, a newspaper proprietor, who followed behind the ladies on their Indian travels, will also be included. The chapter argues that throughout the debates on Indian sexual regulation, the GOI continued to act independently of, and with scant regard for, the Parliamentary Act for Indian Repeal in 1888. It suggests that their justification was of a local knowledge both more pertinent and indeed, superseding that of Britain's elected MPs.

The thesis thus surveys and reconsiders more familiar texts about nineteenth-century venereal disease and excavates new archives to deepen understanding of Stanfeld's contribution, and

in so doing offers new insights into the campaigns against the Contagious Diseases Acts in Britain and India. It contends that the strategies, tactics and political acumen of James Stansfeld were the pivot around which success or failure in these campaigns depended.

## CHAPTER ONE

### **James Stansfeld and British Repeal of Contagious Diseases Regulation.**

This chapter, by focusing in turn on Stansfeld's role in the formulation of venereal disease (VD) debates and legislation, extends and complicates our understanding of the shape of sexual politics in the mid to late nineteenth century. Specifically, the chapter considers how Stansfeld critiqued as well as advanced complex arguments about women's rights to their bodies. He maintained that the CDAs were poorly drafted, allowing women to be detained on the barest of suspicions and saw the Acts as brutalising and violating women's bodies, these women retaining a sense of shame. The chapter explores the influence of Unitarianism on his life, then examines his tenure within several Liberal ministries, and examines the history of his involvement in the venereal debates of the later nineteenth-century, particularly the repeal movement, and the testimonials of his contemporaries. Attention is paid to two of the most dominant influences in his life, Unitarianism and Liberalism, for scrutiny of these strands reinforces how closely these debates were connected to liberal government politics.

#### **Biographical Glimpses: A Summary**

As scholarship on James Stansfeld himself is meagre it is useful to begin an account of his life with a brief indication of the main sources that have preserved his memory. Despite the establishment of the James Stansfeld Memorial Trust in 1896, its creation the result of a women's testimonial raised on his retirement from Parliament the previous year, there is but one volume on his life and work, published through this Trust in 1932. This text is discussed later on in this chapter.

However, brief mention of Stansfeld can be found in the several biographies of Josephine Butler, his partner in the repeal of the CDA campaigns and this scholarship indicates the significance of Stansfeld for Butler herself as well as for the campaigns. For example, the most recently published, Jane Jordan's *Josephine Butler*, (2002), provides compelling insight into the importance of Stansfeld's contributions at the time. Jordan argues that the London branch of the *Ladies National Association for the Repeal of the CDAs* (LNA), formed during the early 1870s, was 'energised by the declaration of James Stansfeld of his commitment to the repeal'<sup>77</sup> because they saw him as a much needed male representative against the male dominated political reserve of Parliament. She also notes the difficulties he experienced during the 1870s and his clever questioning during his repeal bill's second reading in July 1882. Jordan takes her information at least in part from the *Storm Bell*, Butler's monthly paper published between 1898 and 1900 which contained a biographical account of both Stansfeld and other leaders of the repeal movement.

The popular biography by E. Moberly Bell, (best known for her biography of Octavia Hill, founder of the National Trust), entitled *Josephine Butler: Flame of Fire* (1962) emphasises Butler's admiration of Stansfeld. 'They could work together harmoniously', writes Bell, 'because each recognised in the other the same religious convictions, the same send of vocation to a cause from which both alike shrank-repelled by its sheer sordid ugliness.'<sup>78</sup> For Bell, then, it was religion rather than politics which united Butler and Stansfeld. She charts Butler's evident support during the period between Stansfeld's 1883 motion against compulsory examination of women under the CDAs and the final expunging of the Acts. This is illustrated by her comment: 'Josephine remained a staunch upholder of Stansfeld; she

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<sup>77</sup> Jane Jordan, *Josephine Butler* (London: John Murray, 2001), p146.

<sup>78</sup> Enid Moberly Bell, *Josephine Butler: Flame of Fire* (London: Constable & Co, 1962), p114.



trusted his wisdom absolutely and the main part she took in the struggle between 1883 and 1886 was to exhort her friends to follow his advice and give him the utmost support.<sup>79</sup>

In May, 1895, members of the LNA, including Josephine Butler, wrote a series of letters to potential supporters outlining their intention to establish a Memorial Trust to celebrate James Stansfeld's retirement from Parliament.<sup>80</sup>

It has been thought that the retirement from Parliamentary life of the Right Hon. James Stansfeld would be a suitable occasion for women of the United Kingdom and the various societies indebted to him for long continued efforts on behalf of humanity and justice, to present him some memorial of their undying gratitude, not only for the reforms inaugurated as for the promotion of the Medical and Higher education of women, but for all the heroism of his life, first displayed in the cause of Italian freedom, and above all, for the sacrifices he made ensuring the removal from the Statute Book of the most infamous laws ever passed with regard to women.<sup>81</sup>

The Retirement Committee was a formidable female philanthropic group including Mrs. Millicent Fawcett, a member of the group 'Women's Suffrage' (and sister of pioneering woman doctor Elizabeth Garret Anderson), Mrs. Eva McClaren, (wife of Walter McClaren, whose Motion in the Commons brought repeal matters to the heart of the British public), Lady Henry Somerset, (philanthropist and temperance campaigner), Mrs. H.J. Wilson, (wife of Henry J. Wilson, the prominent Liberal anti-imperialist MP who worked with Butler in the anti CDA campaign), and Dorothea Beale, (Headmistress of Cheltenham Ladies College and founder of St. Hilda's College, Oxford). The first list of subscribers also included Mrs. W.E. Gladstone. These women both supported, and were in turn supported by, Stansfeld's work through a shared concern with a Christian ideal of sacrifice. On October 15, 1895, at Westminster Town Hall, the *Womens' Testimonial* was presented to Stansfeld. Among the

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<sup>79</sup> Enid Moberly Bell, *Josephine Butler: Flame of Fire*, p165.

<sup>80</sup> *James Stansfeld Memorial Trust* (London: Women's Printing Society), May-October, 1895, 3/JSM/1/1, WL.

<sup>81</sup> *James Stansfeld Memorial Trust*, 1895, 3/JSM/1/1, WL.

several eulogies, it was clear Stansfeld was publicly associated with this ideal of sacrifice, a cherished notion amongst philanthropists. Mrs. Tanner, Treasurer of the LNA, referred to ‘the sacrifice you made in Bristol, turning away from all the fascinations of a brilliant political career, to join a painful and unpopular crusade against unjust and immoral laws.’<sup>82</sup> Mrs. Wilson, in turn, quoted Stansfeld’s own speech in Birmingham in 1883, in which he said:

I have given many years and made many sacrifices on this question; I have severed many political friendships, never to be renewed. Ten years I have spent – and ten years is a large proportion of the public life of any man – ten years devoted to a subject so hated, so tabooed, that the man whose name is associated with it comes to be considered as appropriated to it alone.<sup>83</sup>

In this autobiographical reflection, Stansfeld suggests that whatever else he had done in public life had been subsumed under his ‘dreadful’ connection with venereal disease. Two years later, in response to the numerous tributes he received Stansfeld reflected further:

I look back on that time when no day or night passed that I was not, as it were, compelled to think of the horrors of this subject, those horrors consisting not merely in the vice which was made known to me more than I knew before, but in the wickedness of men who were the creators of that vice, and who determined to oppose me and defend and promote the law and the state of things which would facilitate the pursuit of vice on their part.<sup>84</sup>

The above two extracts show very clearly both the enormous passion James Stansfeld felt about the repeal of the CDAs and the issues of gender. For him it was the ‘wickedness of men’ which created vice rather than the work of female prostitutes subjected to the CDAs.

In 1896, the *James Stansfeld Memorial Trust* was established as a result of the above testimonial raised on his retirement from Parliament the previous year. The amount raised

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<sup>82</sup> *Women’s Testimonial*, 3/JSM/1/1, p4, WL.

<sup>83</sup> *Women’s Testimonial*, 3/JSM/1/1, p5, WL.

<sup>84</sup> *Women’s Testimonial*, 3/JSM/1/1, p8, WL.

was used to promote his aim of equality of the sexes through several methods. A scrutinizer was appointed to observe Parliament's actions on women's suffrage; a number of conferences were held, notably on the subject of solicitation and the law and after the First World War, a series of three memorial lectures on the position of women were held at University College London, Stansfeld's alma mater. In 1928 the Trustees commissioned a biography of Stansfeld which was published in 1932 with the title *James Stansfeld: A Victorian Champion of Sex Equality*, written by Lawrence and Barbara Hammond.<sup>85</sup> Described by the *Oxford Dictionary of National Biography* 'as the leading historians of their time,'<sup>86</sup> Lawrence was editor of the Liberal weekly *The Speaker* from 1899 to 1906 and after the first World War joined the editorial staff of the *Manchester Guardian*.

Much of the research prepared by the Hammonds followed Stansfeld's CDA campaigns. Their work picked up on literary contributions to the debate such as Sarah Grand's *The Heavenly Twins*, published in 1893, itself preceded by Ibsen's *Ghosts* in 1881.<sup>87</sup> Both texts are scathing commentaries on nineteenth-century morality. In the words of historian Mary Spongberg *Ghosts* draws a picture of 'the male syphilitic as a model of pathological sexuality.'<sup>88</sup> Spongberg suggests that the play 'parallels the feminist interest in social purity and racial degeneration in stressing the male role in the transmission of venereal disease.'<sup>89</sup> This emphasis on male culpability is a direct affirmation of Butler and Stansfeld's charge against the authorities whom they accused of focusing entirely on the female.

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<sup>85</sup> Lawrence and Barbara Hammond, *James Stansfeld: A Victorian Champion of Sex Equality* (London: Longmans, Green & Co., 1932).

<sup>86</sup> *Oxford Dictionary of National Biography*, 2<sup>nd</sup>. Edition, s.v, Lawrence Hammond.

<sup>87</sup> Sarah Grand, *The Heavenly Twins* (London: Heinemann, 1893); Henrik Ibsen, *Ghosts* (Mineola, N.Y: Dover Publications, 1997).

<sup>88</sup> Mary Spongberg, *Feminizing Venereal Disease: The Body of the Prostitute in Nineteenth-Century Medical Discourse* (New York: New York University Press, 1997), p162.

<sup>89</sup> Mary Spongberg, *Feminizing Venereal Disease*, p163.

### **Influence of Unitarianism in Stansfeld's thinking and early politics of religion**

In what ways were Stansfeld's liberal politics shaped by religion? Religious dissent had a long tradition in Stansfeld's family. The first Nonconformist Chapel in North End, Halifax, was founded in 1696, and included as trustees, three members of the Stansfeld family, one a direct ancestor of James Stansfeld. In 1775 the congregation espoused Unitarianism, and the Stansfeld family are listed as Trustees of the Congregation in 1709 through to 1880. The chapel role of 1896 contains a large proportion of names similar to those who met in 1696 to hear the first sermon, including many Stansfelds. His father, also James, (1792-1872) married a daughter of one of the ministers of this chapel and liked to think he had inherited from those ancestors a passion for liberty and justice which won for him widespread respect. James senior would influence his son in many ways including through his interest in the law. The father, as a clerk in a solicitor's office in Halifax, then became a pupil in chambers in London in 1813 and later had his own legal practice. He became Judge James Stansfeld in 1841, continuing to sit in court all day long until his death in 1872. In 1869 his portrait was presented to the Halifax Mechanics Institute in recognition of his services to education. On 10 January 1819, James Stansfeld senior made an individual subscription of £26 towards 'defraying the expenses on the chapel repairs,'<sup>90</sup> and his name is evoked at vestry meetings from 20 January 1822 through to 8 May 1843.

Like his father, the younger Stansfeld was also a lifelong supporter of the Northgate End Unitarian Chapel, Halifax, where in 1871 he laid the corner-stone of the new Chapel. Reference was made to him on 6<sup>th</sup> May 1873 at a Congregational Annual Business Meeting, a colleague declaring, 'It is mainly to the wise suggestion made by Mr. Stansfeld that the

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<sup>90</sup> Northgate End Chapel, *Vestry Minutes* 1811-1872, NEC 1, West Yorkshire Archives, Halifax.

speedy clearing of the Chapel debt is due,<sup>91</sup> and at the same meeting it was recorded that Memorial Windows had been erected in memory of his father, Judge Stansfeld. In 1890 the younger Stansfeld donated two cathedral stained glass windows on the west side of the building in memory of a dear friend, Joseph Foreman of the Halifax Working Man's Co-operative. The Chapel fell into disrepair in the 1970s and was demolished in 1982. He adopted his father's unflinching adherence to the principles of liberal theology, and his Unitarian upbringing. In 1906, Stansfeld's role in the Chapel was recognised by a chronicler of Unitarianism, Robert Spears, who in his analysis, *Unitarian Worthies*, describes the relation between father and son as follows: 'the father taught him never to sacrifice to personal ambition a single conviction that was dear to him.'<sup>92</sup> Whilst Stansfeld would later in life work with and for women, his outlook seems to have been shaped by his father, for there is little reference to his mother beyond the fact that she was the daughter of the Rev. John Ralph, himself a minister at Northgate End from 1767-1895, and founder of the Chapel's Library, and that she died in 1851, when Stansfeld was only 23 years old.

One of the first published Unitarian testimonials was Joseph Priestley's *An Essay on the first Principles of Government*, written in 1768; it was, however, during the nineteenth century that Unitarianism brought its religious influence to bear in the political arena.<sup>93</sup> The importance of Unitarianism in Stansfeld's life cannot be overemphasised, and according to a local historian writing in 1971, Stansfeld 'never wavered throughout his life in his Unitarian

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<sup>91</sup> Northgate End Chapel, *Chapel Minutes*, NEC 2, West Yorkshire Archives, Halifax.

<sup>92</sup> Robert Spears, *Memorable Unitarians*, being a series of brief biographical sketches from *A Record of Unitarian Worthies* (London: British & Foreign Unitarian Association, 1906), p390.

<sup>93</sup> Joseph Priestley, *An Essay on the first Principles of Government: And on the Nature of Political, Civil and Religious Liberty* (Cambridge: Cambridge Library Collection, Cambridge University Press, 2013).

persuasion.’<sup>94</sup> It is well established that most Unitarians were Liberals’<sup>95</sup>, although behind that label there was considerable divergence of opinion. Unitarianism was one of the older nonconformist churches dating from the seventeenth century, promoting a radical brand of Christianity, whose central tenet was the oneness of God and the rejection of the Holy Trinity. Historian Susie Steinbach has argued that ‘this rejection was the only unifying doctrine and the congregants were not required to subscribe to any particular creed or doctrine in order to call themselves ‘Unitarians’.’<sup>96</sup> Theological emphasis was based on the humanity of Jesus Christ, on individual freedom of belief, free use of reason and tolerant social action. A variety of social questions attracted the support of Unitarian MPs: temperance legislation, rescindment of the ban on Sunday entertainment, improvement of factory conditions through the reform movement, and most pertinently to this exploration, opposition to the Contagious Diseases Acts of 1864, 66 and 69. This shows clearly how Stansfeld’s development was indebted to this. Unitarian MPs appeared to be keener on pressure-group politics than attaining high political office, as exemplified by Stansfeld himself.

In rejecting the fundamental articles of faith of the Anglican tradition, Unitarians were considered to be cold rationalists devoid of spiritual feeling. This is strongly argued by Donald Davie, who in his analysis, *A gathered church: literature of the English Dissenting Interest, 1700-1930* (1978), suggests that whilst in all dissenting sects of the nineteenth century there were traces of social elitism, ‘this seems never to have been so chillingly

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<sup>94</sup> A. Porrit, Pamphlet, *The Rt. Hon. Sir James Stansfeld, GCB, PC, MP, LLB* (Halifax: Halifax Antiquarian Society, 1971), p88.

<sup>95</sup> D.W. Bebbington, *Unitarian Members of Parliament in the Nineteenth Century*, p11, [www.dspace.stir.ac.uk](http://www.dspace.stir.ac.uk) (Last accessed 6<sup>th</sup> December 2013).

<sup>96</sup> Susie Steinbach, *Women in England 1760 – 1914: A Social History* (London: Weidenfeld & Nicolson, 2004), p137.

exclusive as the intellectual elite of the Unitarians.<sup>97</sup> Davie further intimates that this is not a matter of comparing a sect such as the Methodists, (described by him as having a warm heart), versus the Unitarian (with a cold head), but that rationalism is certainly what Unitarianism was originally, with whatever that may imply of a perceived lack of spiritual emotion and imagination.

Unitarians were specifically concerned with role of the Bible, the nature and number of sacraments and the source of authority within the Christian church. Alan Ruston of the Plymouth Unitarian Church suggests that: ‘they questioned the literal truth of the Bible and came to regard their own conscience and rational powers as sufficient authority for their beliefs.’<sup>98</sup> Unitarians respected Jesus Christ as a teacher and as an example to follow; their difficulty was in accepting prayers which ended with ‘through our Lord Jesus Christ,’ suggesting that such invocations be addressed directly to God. Christ might well influence their thinking, but this could be shaped equally by others, religious leaders or authors for example. Thus the importance of the Jesus figure was a major source of friction between Unitarians and other Presbyterian faiths, driven, as it was, by rational rather than theological ethos.

Within Unitarianism political liberalism increasingly gained influence. In the early nineteenth century there was a division between conservative and liberal Unitarians, but by the middle of the century, the liberals were in their heyday. They were a prominent and prosperous

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<sup>97</sup> Donald Davie, *A gathered church: Literature of the English Dissenting Interest, 1700-1930* (London: Routledge & Kegan Paul, 1978), pp 67-8; Leonard A. Smith, *The Unitarians: A Short History* (Oxford: Oxford University Press, 2006); Bart D. Ehrman, *Lost Christianities: The Battle for Scripture & the Faiths we Never Knew* (Oxford: Oxford University Press, 2005).

<sup>98</sup> Alan Ruston, *History of Unitarianism, Plymouth Unitarian Church*, <http://ukunitarians.org.uk/plymouth/history.htm> (Last accessed 25<sup>th</sup> October, 2013).

feature of English Dissent, with notable members who included Josiah Wedgwood III, (1795-1880) and George Courtauld (1830-1920). Such religious ‘liberals’ respected, or certainly tolerated different religious tenets and maintained a confidence in the reasoning and moral abilities of people, their essential goodness as well as an avoidance of dogma. This was in complete contrast to the Anglican tradition which emphasised original sin and human depravity. Thus they rejected notions of punishment and predestination. Unitarians specifically rejected the Virgin birth, Biblical infallibility, the Trinity and the deity of Christ, preferring instead to take the seat of authority as being an enlightened conscience, guided by reason. In his theological exploration of nineteenth century radicalism, Dennis Wigmore-Beddoes tells us that ‘truth and humanity were, they believed, best served where the mind and the conscience were free.’<sup>99</sup>

What held Unitarians together in a faith which had no creed? It would seem that the answer was a quest for truth in religion and defining ethics, a quest which was unhampered by an external authority. The notion that there must be a creed to bind a religious community together was essentially a mainstream Christian notion. Critics of Unitarianism stated that without a creed, followers could believe what they liked, but for nineteenth century Unitarians, the driving force was the primacy of conscience, and this ensured that they believed what they could.<sup>100</sup> Unitarians shared a respect for those who honestly sought truth for themselves and did not feel obliged to subscribe to any pre-determined set of answers. In its literature for potential members, the Cambridge Unitarian Church describes Unitarianism as belonging to a liberal Christian tradition which welcomed the critical and enquiring spirit and that anyone could become a member of the church as Unitarians strove for a broader

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<sup>99</sup> Dennis Wigmore-Beddoes, *Yesterday's Radicals* (Cambridge: James Clarke, 1971), p65.

<sup>100</sup> Kay Millard, *Religion in the Writings of Mrs. Gaskell*, lecture to the South West England Group of the Gaskell Society, 2001, p4. [www.unitarian.org.uk](http://www.unitarian.org.uk)



understanding amongst both religious and secular groups.<sup>101</sup> Writing in 1875, Robert Drummond, the pioneer of Scottish Unitarianism, set out the tolerance of Unitarianism very clearly.

The Unitarian generally has been liberal and tolerant because he Has given up all pretension to an exclusive salvation, because he has admitted a final appeal to reason, and so acknowledged the legitimacy of doubt, because he holds all men responsible for their own actions, not for their creed – finally because his tendency has been to place theology on the same platform with all other knowledge, and to substitute enquiry, study and research for groundless assumptions and dogmas voted by majorities<sup>102</sup>

Clear Biblical reference to ‘one God’ was the seed through which basic Unitarian belief grew, as followers questioned the traditional Christian idea of God being a Trinity. From the viewpoint of mainstream Christianity this was a heretical belief and those believing in the unity of God were persecuted for many years by the other churches. Such was the innate hostility towards Unitarians in the early part of the nineteenth century that, despite the 1813 Act of Unitarian Toleration, until the 1840s they were barred from holding public office, from becoming officers in the army or attending Oxford or Cambridge universities. However, the emphasis on reason first of all ensured that the majority of Unitarians, of both sexes, were reasonably well educated and had a fairly high standard of intelligence, both of which gave the edge to achievements in both arts and sciences. According to educationalist Ruth Watts in her analysis of nineteenth-century Unitarians, their gender politics promoted ‘females as well as males in enjoying the freedom and responsibility of the individual search for religious truth.’<sup>103</sup> They also encouraged women in education, but still saw them in more

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<sup>101</sup> *The Unitarian Church, Cambridge*, [www.cambridgeunitarian.org](http://www.cambridgeunitarian.org). pp2-4 (Last accessed January, 2012).

<sup>102</sup> Robert Blackley Drummond, *Unitarianism: its past services, its present position and future aims*, delivered in the Second Presbyterian Church, Belfast, 5<sup>th</sup> December, 1875 (Edinburgh: Williams & Norgate, 1875).

<sup>103</sup> Ruth Watts, *Gender, Power & the Unitarians in England, 1760-1860* (London: Longman, 1998), pp116-118

traditional domestic roles. It is fair then to credit James Stansfeld with having moved beyond this familiar patriarchal structure in both his personal approach and practical endorsement of gender equality. The stress on logic entailed a belief in the essential worth of the individual and this belief gave momentum for work for social causes, particularly with regard to social conditions. Ruston firmly describes Unitarianism, as having always been a ‘reform movement in both religion and in politics.’<sup>104</sup>

In analysing how the Unitarian theology may have been influencing James Stansfeld, the social class of Unitarian MPs requires unpacking. The theory of ‘natural rights’ championed by Unitarian philosopher John Locke in the late eighteenth century created an awareness that life, liberty and property were basic entitlements of human beings and not privileges afforded only to the more fortunate.<sup>105</sup> Whatever the origin of a particular campaign, the general Unitarian propensity for moral crusading followed naturally from, as historian Hugh McLeod’s analysis in *Class and Religion in the Late Victorian City* (1974) suggests, ‘liberalised Protestant theology, from their historical experience and from their social situation.’<sup>106</sup> As will be seen further in this chapter, having a high regard of human reason, Unitarians placed strong emphasis on education which provided a means of raising public awareness about other social matters, and indeed underpinned the Unitarian programme of social reform.

Although Unitarians were not generally major players at Westminster, their business success and subsequent financial wealth, deriving from privileged backgrounds, meant that they did

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<sup>104</sup> Alan Ruston, *Plymouth Unitarian Church*.

<sup>105</sup> Jim Powell, “John Locke, Natural Rights to Life, Liberty & Property”, *The Freeman: Ideas on liberty*, Vol. 46, Issue 8 (August, 1996).

<sup>106</sup> Hugh McLeod, *Class and Religion in the Late Victorian City* (London: Croom Helm, 1974), p187.

exert considerable influence over England as a whole. There were a number of landowners and others belonging to industrial and commercial sectors or manufacturing among their members. The overwhelming majority of Unitarian MPs sitting between 1830 -1900 were Liberals, frequently promoted through familial links. In his analysis of nineteenth-century Nonconformity, David Thompson reminds us of an observation made by Lord Macaulay: ‘Unitarians formed the most over-represented sect in the UK.’<sup>107</sup> Unitarianism was aligned with liberalism and politically committed to CDA repeal, which indicates that Stansfeld was greatly influenced by his religious and political background.<sup>108</sup>

### **Stansfeld’s Education and Politics**

Unitarianism shaped Stansfeld’s life from a young age and defined the development of his political consciousness. He attended a secondary school in Everton, then a prosperous suburb of Liverpool, mainly for the sons of Nonconformists. The school, St. Domingo House, one of the very few mansions still standing in Everton, was run by a Swiss German refugee, Carl Voelker, who was associated with the father of the radical Unitarian John Brunner. In a life of the latter, Voelker’s educational principles were made clear: ‘The treatment of the pupils is marked by patience and parental kindness, severe language and punishment being never resorted to but in extreme cases.’<sup>109</sup> One of his contemporaries, a William Rathbone, described Stansfeld at school as ‘popular, firm in maintaining his own opinions, a staunch defender of the smaller boys and a fighter to the last ditch when once determined that a

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<sup>107</sup> David Michael Thompson, *Nonconformity in the 19<sup>th</sup> Century* (London: Routledge & Kegan Paul, 1971), pp152-3.

<sup>108</sup> John A. Buehrens, *Understanding the Bible: An Introduction for Skeptics, Seekers & Religious Liberals* (Boston, MA: Beacon Press, 2009).

<sup>109</sup> Plans for the Education and Instruction of the Pupils under Mr. Chas Voelker’s Care at St. Domingo House, Everton, quoted in Stephen E. Koss, *Sir John Brunner, radical plutocrat, 1842-1919* (Cambridge: Cambridge University Press, 2008).

course was right till the grievance was revoked and the object attained.’<sup>110</sup> Another classmate was Joshua Fielden, (1827-1887), who remained a Unitarian all his life, but became a Conservative MP for the West Riding of Yorkshire, following a very different path as a wealthy cotton manufacturer and land owner. Stansfeld read Law at University College London (UCL), which had been founded in 1827 as a refuge for those barred by their religious beliefs from either Oxford or Cambridge. The history of the University clearly states its intention to ‘seek an equality in all respects with the ancient Universities, freed from those exclusions and religious distinctions which abridge the usefulness of Oxford and Cambridge.’<sup>111</sup> Social scientist F.A. Hayek, in his analysis of the relationship between John Stuart Mill and Harriet Taylor, has pointed out that ‘University College, London established that there were to be no religious tests or doctrinal forms, which would oppose a barrier to the education of any sect among Her Majesty’s subjects.’<sup>112</sup> Stansfeld’s formal education was therefore determined largely by his Unitarian background and his law degree led to a call to the Bar (Inner Temple) in 1849.

Major influences on Stansfeld whilst at UCL were the three young friends, William Case, Sydney Hawkes and most importantly, William Shaen. Shaen introduced him to William Ashurst, a well-known Radical solicitor in North London, whose daughter Caroline he married in 1844. Shaen was articled to William Ashurst, who had a passion for the emancipation of both women and the subject nationalities in Europe. The Ashurst house in Muswell Hill, North London, became a Radical centre where refugees from all over Europe received help and encouragement, and where Stansfeld first met Giuseppe Mazzini, (1805 -

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<sup>110</sup> Eleanor F. Rathbone, *Memoir of William Rathbone* (London: Macmillan & Co., 1905), p60.

<sup>111</sup> *University of London, The Historical Record (1836-1912)* (London: London University Press, published by Hodder & Stoughton, 1912), p9.

<sup>112</sup> Friedrich Hayek, *John Stuart Mill and Harriet Taylor: Their correspondence and subsequent marriage* (London: Routledge & Keegan Paul, 1951), p187.

1872), a well-known Italian refugee and political analyst who was to become his first passion. Mazzini and the Ashurst sisters became the catalyst for shaping Stansfeld's mind to politics beyond national concerns, energising him to broaden his England-orientated approach to governance, for the sisters were passionate advocates of Italian independence.<sup>113</sup> The *Oxford Dictionary of National Biography* describes these young people collectively as the Muswell Hill Brigade.<sup>114</sup> This was a new world for Stansfeld, steeped as he was in the great Unitarian preachers and from a background of observance to the habits and standards of a North Country Nonconformist family.

The Stansfelds were married on 27<sup>th</sup> July 1844 by the radical Unitarian minister William Johnson Fox, a ceremony, according to the *ODNB*, in which they repeated only 'the two sentences rendered necessary by the Act, and exchanged rings to symbolize their recognition that marriage was a union of equals.'<sup>115</sup> For a time they lived in lodgings in Grafton Street, London and Stansfeld attended debates in the Commons, where he heard speeches about factory life in the north and other hardships. These, according to Porritt, 'helped to make him an ardent supporter of the Ten Hours Bill and other impending legislation for the improvement of working conditions in Yorkshire mills.'<sup>116</sup>

Stansfeld's earliest political engagement however, influenced by Mazzini, looked beyond England, for the first public acknowledgement of his work was in 1847, by which time he had become a founding member of the People's International League. The League, instigated by

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<sup>113</sup> *Paths to Gender: European Historical Perspectives on Women & Men*, ed. by Carla Salvaterra & Berteke Waaldijk (Pisa: Piza University Press, 2009), p98, [www.cliohres.net](http://www.cliohres.net), (Last accessed 25<sup>th</sup> November, 2013).

<sup>114</sup> *Oxford Dictionary of National Biography*, 2<sup>nd</sup>. Edition, s.v. William Shaen.

<sup>115</sup> Kathryn Gleadle, *Oxford Dictionary of National Biography* (Last accessed 26<sup>th</sup> October, 2013)

<sup>116</sup> A. Porritt, *The Rt. Hon. Sir James Stansfeld*, p89.

Mazzini, was at one with the Chartists in supporting the promotion of international harmony as a natural consequence of the advancing free trade. The League's object was to influence policy making in the Foreign Office, and 'to shake England out of its apathy and ignorance about democratic movements abroad.'<sup>117</sup> It embodied the radical working class desire to have a say in handling of foreign as well as domestic issues. Stansfeld, together with Hawkes and Shaen, were appointed to the council and all became early supporters of Garibaldi, Mazzini and the Friends of Italy. Mazzini had returned to Italy in 1848, briefly heading a republican government in Rome but had been forced back into exile. Stansfeld believed with Mazzini that 'he should follow the crusade to influence European politics on behalf of right and liberty.'<sup>118</sup> That Stansfeld was already exhibiting the deep commitment to a cause, which would be equally demonstrated later in his life in support of another cause, was soon apparent. He described Mazzini as 'carrying us completely out of ourselves, bringing home to us that England, free, strong, powerful, allowed herself to be dominated by a class opposed to her own interests, as proved in the Corn Law struggle.'<sup>119</sup>

Five years after Mazzini's death, in 1877, Stansfeld's lifelong respect for his Italian muse remained intact as his obituary of Mazzini makes clear. 'Mazzini was a patriot, a priest and a philosopher', he wrote, continuing to note that, 'all his ideas had a religious origin. He believed in a providential scheme, and in the duty of men and nations to work towards its fulfilment. He was one of the loftiest intellects and noblest individualities which the world has known.'<sup>120</sup> Whilst it was Mazzini's political aim of *Risorgimento*, or the unification of different states into a United Kingdom of Italy, which initially attracted Stansfeld, their

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<sup>117</sup> Hammond & Hammond, *James Stansfeld*, p22.

<sup>118</sup> *Essays: selected from the writings, literary, political and religious of Joseph Mazzini*, ed. by William Clarke (London: Walter Scott, 1887) p106.

<sup>119</sup> Hammond & Hammond, *James Stansfeld* p 21.

<sup>120</sup> James Stansfeld, *The Fortnightly Review*, Vol. 27 O.S., 21 N.S. (April 1877), FORTR-1352.

relationship developed into one of much deeper intimacy. In 1850, for example, the death of Stansfeld's mother brought a letter of condolence from Mazzini. 'Can a deep sympathy from a true friend [...] and an affection strengthened by your sorrows, he wrote, do something for you?'<sup>121</sup>

Mazzini was a devoted and confidential friend of the Ashurst sisters and the Hammonds suggest that his 'political mysticism and gospel of the rights of nationality gave Stansfeld exactly what he wanted.'<sup>122</sup> From the posthumous papers of the writer and philanthropist, Jessie White Mario, (1832-1906), a young woman who devoted her life to the Italian cause, we find Mazzini describing the Ashursts as 'three sisters and their husbands who are all deeply interested in all social, and especially the 'women's' questions.'<sup>123</sup> Later in these papers, White Mario reports that Caroline Stansfeld's letters referred to Mazzini as 'Mazz' or 'The Angel', implying a considerable degree of intimacy between the two families.<sup>124</sup> Indeed, it has been suggested that 'the tone employed by Mazzini in his letters to Caroline indicates that he felt more than just a simple platonic friendship.'<sup>125</sup> In 1848 the Italians drove out their Austrian occupiers, and in early March 1849 Mazzini returned to Rome as its' Governor; the respite lasting only until that summer when the Roman Republic fell to the French. Mazzini escaped to England and then spent much of 1850 hiding in Switzerland. He kept in close contact with James Stansfeld, using him as a publicity agent for letters to the English press. McHugh describes Stansfeld at this time as 'being indirectly implicated in a

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<sup>121</sup> Guiseppe Mazzini, Letter to James Stansfeld, 22<sup>nd</sup> December, 1850, *Letters to an English Family, Vol. 1, 1844-1854* (London: John Lane, 1920), p181

<sup>122</sup> Hammond & Hammond, *James Stansfeld*, p20.

<sup>123</sup> Jessie White Mario, *The Birth of modern Italy: Posthumous Papers* (London: T.Fisher Unwin, 1909), p.93.

<sup>124</sup> Jessie White Mario, *The Birth of modern Italy*, p104.

<sup>125</sup> Sabine Brault-Donnadieu, "Guiseppe Mazzini & his English 'sisters'", *Bulletin of Italian Studies Library Group* (June 2006), p20, [www.bl.uk/collections/wider/italian/italstulib.html](http://www.bl.uk/collections/wider/italian/italstulib.html), (Last accessed 19<sup>th</sup> February, 2014).

scandal concerning an attempt on Napoleon III's life via letters addressed to Mazzini (using a pseudonym) at Stansfeld's London home.<sup>126</sup> Stansfeld was drawn further into Mazzini's enterprises when the latter launched a financial campaign, issuing a National Loan for ten million Italian lira offering interest at one half percent per month. It was poorly subscribed and Stansfeld became the London agent for the loan with his name and address printed on the notes. Although he withdrew his personal details shortly afterwards, this evident support was costly later, for Stansfeld's name was thus forever linked with that of Mazzini. The Italian was perceived as an uncompromising republican of whom the British Government had become increasingly suspicious regarding his revolutionary contacts.

In 1851 Mazzini returned to England, staying with the Stansfelds and the Ashursts, and initiating the Friends of Italy, replacing the original League, in the hope of attracting consensus towards the Italian liberation cause. His new revolutionary activities included backing unsuccessful uprisings in Milan and Genoa, from which debacles the Friends never really recovered. Stansfeld was an active member, although his private affairs were becoming more time consuming, for, in need of a greater and more regular income, he had given up the Bar in 1850 and had joined his brother-in-law, Sidney Hawkes, in running the Swan Brewery in Fulham, which was owned by the Ashurst family. Both men had found the law unprofitable, both had to earn a living and Stansfeld, in particular, and as is evidenced, wanted to participate in public affairs. In 1852, Stansfeld and Caroline's only child, Joseph (named after Mazzini) was born and they moved into a house attached to the brewery. The brewery was not prosperous; the partnership suffered accordingly, and in 1853 Stansfeld took over the Brewery and ran it single-handed as 'Messrs. Stansfeld & Co. Ltd.' for some years. During this time a report on British breweries noted that the Swan at which 'we were most

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<sup>126</sup> Paul McHugh, *Prostitution and Victorian Social Reform* ( London: Croom Helm, 1980), p23



courteously received by Mr. Stansfeld, enjoyed a high reputation for the superior quality of its beer.<sup>127</sup> This gave him the financial independence to adopt a radical stance on social issues in later years.

1853 was a difficult year for Stansfeld, but far more so for Mazzini. In 1854, after his republican propaganda had been permanently damaged by a rising in Milan, Mazzini was again in England. Although the Muswell Hill circle had been broken to some extent by the recent death of Mrs. Ashurst, he kept in touch with several members of the family, including the Stansfelds. An example of their ever deepening friendship can be seen in a birthday letter from Mazzini to their son Joseph in April, 1856: 'My Dearest Little Friend, I send you today some sweets and two flower pots.'<sup>128</sup>

During the years 1855-1857, Mazzini's constant plots and enterprises were largely financed by the Stansfeld's and other English friends. In 1857 Mazzini again escaped to England but was condemned to death in his absence. The historian, G.M. Trevelyan reports, that his supporters were becoming increasingly concerned. 'His prestige has received an even more severe blow than that which had suffered from the affairs of Mantua and Milan five years before. His party is in ruins.'<sup>129</sup>

In 1859 the Liberals came to power in England, a party supporting the Italian cause and this election took Stansfeld into Parliament. Whilst the Italian question remained close to his heart, he now had other demands on his time and Mazzini, obviously disappointed in his

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<sup>127</sup> Alfred Barnard, *Noted Breweries of Great Britain & Ireland*, 4 Volumes, 1889-91, *Brewery History*, 115, p26-39 (The Brewery History Society, 2004)

<sup>128</sup> Guiseppe Mazzini, Letter to Joseph Stansfeld, 19<sup>th</sup> April, 1856, *Letters to an English Family*, Vol.11 (London: The Bodley Head, 1922), pp35-6.

<sup>129</sup> G.M. Trevelyan, *Garibaldi and the Thousand, May 1860* (London: Phoenix Press, 2001), p77.

perceived withdrawal, wrote to Caroline Stansfeld soon after her husband had begun his new career. ‘Dearest Caroline, your men understand nothing about our question’, a harsh rebuke to a committed friend who had contributed so much time and money and probity to the cause of Italian unity.’<sup>130</sup> Several years later Mazzini wrote to Caroline again of his disappointment: ‘I have not the least doubt of the noble uprightness of his soul –only I had wished for him a different career; I thought he would be a representative both inside the House and out of the Foreign question.’<sup>131</sup>

Stansfeld resigned the following year due to his previous support for Mazzini amid an accusation of clandestine fundraising for Italian agitators. Charges were brought by the French authorities in connection with Greco’s conspiracy against Napoleon III. Disraeli accused Stansfeld of being in correspondence with the assassins of Europe, and although he had no connection with what became known as the ‘Greco case’, he had allowed his London address in Thurloe Square to be given as the only stable address used by the ever-moving patriots. He was successfully defended by John Bright and his explanation was accepted by Palmerston, then Prime Minister, but he only escaped censure by 10 votes, hence his resignation - an initial indication perhaps of his passionate support for the first of the two causes which would come to dominate his life.

### **Stansfeld’s Political Career**

This overview of the religious and personal influences in Stansfeld’s early life, particularly his continuing support for Mazzini however difficult that may have become in the later years

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<sup>130</sup> Giuseppe Mazzini, Letter to Caroline Stansfeld, 2<sup>nd</sup> September, 1859, *Letters to an English Family*, Vol.11, p136.

<sup>131</sup> Giuseppe Mazzini, Letter to Caroline Stansfeld, 8<sup>th</sup> May, 1863, *Letters to an English Family*, Vol.111 (London: J.M. Dent, 1930), p54

of their relationship, helps to contextualise his political career. Stansfeld became active in the Liberal party at a moment of its heyday. How did Stansfeld's Liberalism manifest itself within the political sphere? Although there did not seem to be a clear cut definition of Liberalism in the mid-nineteenth century, there are some strands worth highlighting. In the nineteenth century the word itself clearly related to freedom of the individual, considerably aided by John Stuart Mill's *On Liberty* (1859), which supported moral and economic freedom from the state.

The worth of a State, in the long run, is the worth of the individuals composing it....a State which dwarfs its men, in order that they may be more docile instruments...will find that with small men no great thing can really be accomplished...and that the perfection of machinery to which it has sacrificed everything, will in the end avail it nothing, for want of the vital power which, in order that the machine might work more smoothly, it has preferred to banish.<sup>132</sup>

Mill here is suggesting that monarchical power had given way to a democracy, but there was a danger that the majority deny the liberty of the individual through either laws or moral and social pressure. Mill advocated Utilitarianism in his ethics, that is, the promotion of the greatest happiness for the greatest number of people, but his attraction for Stansfeld was his championing of individual rights, calling amongst other things, for more power and freedom for women. Gagnier sums up Mill's credo as 'the creation of the liberal, ethical individual who could be relied on to subjugate individual desires to the social good.'<sup>133</sup> Along with Mill a number of Radical Liberals supported women's causes, including Stansfeld, Henry Fawcett and Jacob Bright. To them female emancipation seemed the 'natural' outcome of the Liberal goal of removing political restrictions, expanding individual opportunity and making

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<sup>132</sup> John Stuart Mill, *On Liberty*, ed. by Stefan Collini (Cambridge: Cambridge University Press, 1989), p115.

<sup>133</sup> Regenia Gagnier, "Productive, Reproductive and Consuming Bodies", in *Body Matters: Feminism, Textuality, Corporeality*, ed. by Avril Horner & Angela Keane (Manchester: Manchester University Press, 2000), p47.

government representative of all sections of society.’<sup>134</sup> Those same Radicals had a driving urge to change some aspects of British society. These included a desire for secular state education for all, free from the Established Church, which Stansfeld’s Unitarian background naturally supported, together with votes for women and a support for the temperance lobby.

So what did it mean to be a Liberal in the mid-Victorian period? Political historian Rohan McWilliam suggests that Liberalism defined itself as an expression of ‘public opinion’ and that its proponents ‘created a new kind of consensus around free trade, civil and religious liberty.’<sup>135</sup> The party was hugely influential in the later 1860s, William Gladstone’s first parliament lasting from 1868 until 1874. It was a combination of old Whig landowners, new industrialists (epitomised by Manchester businessmen), lawyers and professional men and a sprinkling of Radicals and Nonconformists. The old Whig families, such as the Duke of Devonshire, remained loyal until the split about Irish Home Rule in 1886. Why Radicals? Gareth Stedman Jones suggests that by the mid-1840s, ‘the embryonic features of mid-Victorian liberalism began to emerge’ which led to the ‘changing character and policies of the state.’<sup>136</sup> In her political analysis of the period Margot Finn also points up this ‘emphasis on the intersection of working-class radical culture with middle-class liberal politics.’<sup>137</sup> McWilliam characterises Victorian politics of this period as conditioned as much by status as by class, status being ‘politics determined by cultural factors, such as religion or ethnicity rather than simple material interests.’<sup>138</sup> McWilliam suggests that it is ‘difficult to

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<sup>134</sup> *Liberal Democratic History Group*, [www.liberalhistory.org.uk](http://www.liberalhistory.org.uk) (Last accessed December, 2011)

<sup>135</sup> Rohan McWilliam, *Liberalism Lite?*, *Victorian Studies*, Vol. 48, No. 1 (Autumn, 2005), p106

<sup>136</sup> Gareth Stedman Jones, *Languages of Class: Studies in English Working-Class History, 1832-1982* (Cambridge: Cambridge University Press, 1983), p178.

<sup>137</sup> Margot Finn, *After Chartism: Class & Nation in English Radical Politics, 1848-1874* (Cambridge: Cambridge University Press, 1993), p5

<sup>138</sup> Rohan McWilliam, *Popular Politics in Nineteenth-Century England*, p23.

conceive of Radicalism without identifying the Nonconformist at work,<sup>139</sup> which links it so strongly to Stansfeld's beliefs. It also helps to explain why, unlike the majority of Radicals, he refused to come out against the drinks trade and was dismissed by some temperance activists as the 'Unitarian brewer'; he was certainly atypical as far as the Radicals were concerned.

Stansfeld entered the political arena during this moment. On 6<sup>th</sup> October, 1858, he was named as one of the two Liberal Candidates for election in Halifax, and on 13<sup>th</sup> October at a Public Meeting of his United Supporters at the Mechanical Hall, the meeting pledged 'itself to use every legitimate effort to secure his triumphant return for this borough on the day of election.'<sup>140</sup> Stansfeld was duly elected Liberal MP for his native borough in 1859, serving until 1895, and in 1861 declined government office because of business demands. The attraction of a Liberal political career was initially determined by the disinterested governance first articulated by civic republican-minded Whigs. This was gradually turning into the vintage liberalism of the Gladstone era. For Stansfeld, Gladstone produced an all-embracing moral philosophy as well as a political agenda, for his mid-Victorian Liberalism promoted the progressive benefits of free trade and low taxation and also incorporated the Unitarian tenets of individual and community self-reliance. He also recognised in Gladstone an underlying ability to achieve his will through subtle persuasion rather than by bullying his cabinet colleagues. He recalled his joining Gladstone: 'when I joined in 1871, I found him to be always profuse in expressions of respect for the cabinet [...] tried to lead them on by unconscious steps to his own conclusion.'<sup>141</sup> However, in both his maiden speech in the Commons and on two future occasions, unafraid of controversy, he was critical of the Liberal

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<sup>139</sup> Rohan McWilliam, *Popular Politics in Nineteenth-century England*, p62.

<sup>140</sup> *Halifax Election Minute Book*, MISC 689, West Yorkshire Archives.

<sup>141</sup> John Morely, *The Life of William Ewart Gladstone*, Vol. II. (Toronto: George N. Morang, 1903), p467

government then under Palmerston, and in 1862 he moved a Commons resolution for a decrease in government spending.

Stansfeld was appointed as a Junior Lord of the Admiralty in 1863, a position he hesitated to accept having made his independent mark in the Commons. We hear his own voice for the first time, emphasising this doubt: ‘I thought... I hesitated... I doubted my fitness... I consulted with friends... the uniform answer was that when such an offer is made freely to you, explicitly as one of the representatives of advanced Liberalism, if you refuse you show you are not willing to undertake your share in government and in the administration of the country.’<sup>142</sup>

Having resigned over his relationship with Mazzini, in 1865 he was re-elected, unopposed, as MP for Halifax, possibly due to his work at the Admiralty. This election produced a strong Liberal majority, but in writing to Jessie White Mario in August 1865, Stansfeld expressed concern about his own position within the party. ‘I begin to consider my personal relations with the Ministry not so good or pleasant as they appeared to be’, he wrote.<sup>143</sup> He had hoped to be given the post of Secretary to the Treasury, but his previous relationship with Mazzini continued to stand in the way of his advancement. In February 1866 however, he became the Under-Secretary of State for India and in a further letter to Mario White, appeared delighted, writing: ‘You will have seen that I have got a remount at last.’<sup>144</sup> The national press was enthusiastic about the appointment. *The Times* said: ‘The reappointment of Mr. Stansfeld will meet with no objection in any quarter. He showed himself an intelligent and industrious

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<sup>142</sup> James Stansfeld, *Halifax Guardian*, 2<sup>nd</sup> May 1863.

<sup>143</sup> Letter James Stansfeld to Jessie White Mario, 27<sup>th</sup> August 1865, quoted in Hammond & Hammond, *James Stansfeld*, p86.

<sup>144</sup> Letter James Stansfeld to Jessie White Mario, 17<sup>th</sup> February 1866, quoted in Hammond & Hammond, *James Stansfeld*, p88.

administrator at the Admiralty, he has excellent talents, is a good speaker and a staunch member of his party.<sup>145</sup> *The Daily News* was equally euphoric speaking of ‘his rare administrative faculties and aptitudes, his ‘constant elevation of thought and purpose,’ and his ‘inspiring enthusiasm for the noblest causes.’<sup>146</sup> Stansfeld’s pleasure was greatly enhanced by the presence in the House also of John Stuart Mill elected the same year as Liberal MP for Westminster, having spent his official business life at the India Office. Parry reports that Stansfeld ‘prevailed upon John Stuart Mill to introduce an amendment to the 1867 Reform Bill which would have enfranchised women on the same terms as men. The amendment failed, but it did put the issue of female suffrage on the political agenda,’ and - as Parry suggests, - it indicated the level of Stansfeld’s support for unpopular causes.<sup>147</sup>

In 1868 the Liberals won a massive election victory, confirming the prevailing mid-century pattern of Liberal dominance in which Stansfeld’s first major political involvement was with the Education Reform Bill (1870), the first year in which the government of the day took the education of the country’s children seriously. This Bill, known as the Forster Act, introduced compulsory universal education for children of 5-13 years, creating school boards with the power to require full attendance and a fine for the parents of absconding children. Close to Stansfeld’s heart was his own education, obviously middle-class with its implied professional pursuit, but tainted by the Church of England educational dictat, preventing children of Dissidents from attending C of E schools or Oxbridge colleges.

The Education League wanted a national non-sectarian system and the Bill did make a concession to the Nonconformists, permitting children to be withdrawn from religious

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<sup>145</sup> *The Times*, 7<sup>th</sup> February, 1866.

<sup>146</sup> *The Daily News*, 8<sup>th</sup> February, 1866.

<sup>147</sup> Jonathan Parry, *The Rise & Fall of Liberal Government in Victorian Britain*, (New Haven, CN: Yale University Press, 1993), p73.

lessons. However, this right to a secular curriculum was cancelled out by Clause 25, in which the fees of poor children who attended church lessons would have their fees paid by the rates, thus encouraging the continuation of a religious-based syllabus. As a result many Non-Conformists, including Stansfeld, were very disappointed.<sup>148</sup> The Bill did not resolve the involvement of the churches in state education provision, for the government failed to separate church and state in this regard when the opportunity arose. There was also increased regulation, particularly against Trade Unions, with two Acts in 1871. In 1872, Bruce's Licensing Act restricted the opening hours of public houses and by 1873 the Liberal Party was fragmenting into its component parts. The Whig magnates were unhappy with the 1870 Land Act and the abolishing of the purchase of army commission, whilst the Trade Unions were resentful of the 1871 legislation. But this first ministry was the only period in which the Liberals had clear objectives which commanded widespread agreement. By 1880, when Gladstone's second parliament took office for five years, his party was wracked with division. Pearce and Stewart describe the dissent as caused by 'the tendency to liberate and regulate reaching a point of irreconcilable conflict.'<sup>149</sup> It could certainly be said that as more social groups came within the loose structure of the Liberal party, so it was forced to take more account of public opinion. One might ask why it then took so long for the CDAs to be repealed in Britain, for which suggestions are made within this chapter.

During this first ministry of English Liberalism, James Stansfeld was, from 1868 to 1869, Third Lord of the Treasury and in 1869 and 1871, the Financial Secretary to the Treasury. In reporting his appointment to the Treasury, the *British Quarterly Review* was complimentary: 'With reference to Mr. Gladstone's programme to economise it is believed that the Treasury

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<sup>148</sup> *British Political History 1867-1995: Democracy and Decline*, ed. by Malcolm Pearce & Geoffrey Stewart (London: Routledge, 1996), pp35 & 36.

<sup>149</sup> *British Political History*, p45.



has been strengthened by the nomination of Mr. Stansfeld to what is practically a new post.<sup>150</sup> This publication was a vehicle for nonconformists however, and therefore inevitably subjective. Indeed its allegiance is clearly manifest in an article in *The Spectator* later in 1869. ‘There can be no question that all parties must be benefited by so able a periodical as is the organ [BQV] of the Non-conforming body.’<sup>151</sup> In 1871 Stansfeld became President of the Poor Law Board, and thereby joined the cabinet, where he also took the Presidency of the Local Government Board, which succeeded it, until 1874. This position was equivalent to today’s Minister for Health and was not only the authority for supervising the administration of the Poor Law and the health of the country’s population but also had important functions with respect to almost all other departments of local government. It was therefore very powerful with respect to poor relief and sanitary issue. Between 1871 and 1874 Stansfeld’s attention was totally taken up with amending and codifying the sanitary laws, which were administered inefficiently in towns and non-existent in rural areas. (At the same time, Caroline joined the National Society for Women’s Suffrage, serving on its Executive Committee from 1871-1877).<sup>152</sup> In his first Bill of July 1871 he proposed that Local Government in towns be placed in the hands of a single authority, such as a town council and that the Board of Guardians control country areas; this Bill was passed.

February 1872 saw the drawing up of Stansfeld’s second Bill involving the establishment of local authorities which met with strong opposition from the Tories. Sanitary reform meant expenditure and interference with private profits, and country gentlemen were implacable against the inevitable increases in rates. Watered down with numerous amendments, this Bill

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<sup>150</sup> The new parliament and Mr. Gladstone, *The British Quarterly Review*, Vol. 49, Article VI (January 1869), pp189-190.

<sup>151</sup> “Current Literature,” *The Spectator*, 16<sup>th</sup> October, 1869, pp19-20, [www.archive.spectator.co.uk](http://www.archive.spectator.co.uk) (Last accessed 29th November, 2013).

<sup>152</sup> CNSWS, *Women’s Suffrage Journal*, 1<sup>st</sup> February, 1872, GB 1062LSW, WL

finally also went through. In 1873 Stansfeld introduced his third Bill to bring within the ratings system such forms of property as sporting rights which had so far escaped taxation; it did get through the Commons but was, unsurprisingly, rejected by the Lords.

During the drafting of these several Bills, Stansfeld made the acquaintance of a fellow Liberal MP, Dr. Lyon Playfair, (1818-1898), representative in the Commons for the Universities of St. Andrews and Edinburgh<sup>153</sup> Dr. Playfair's scientific background in chemistry was unusual for a politician, and his interests in public health and education coincided with Stansfeld's own areas of jurisdiction. Dr. Playfair's relevance to this enquiry is his leading presence at a meeting on 24<sup>th</sup> May 1870, at which he put forward the motion that the CDAs be repealed. He wanted the ladies' gallery closed so that women could not hear the following debate, but this was impossible without clearing the public galleries.

Although there is no record of Stansfeld actively endorsing the motion for repeal of the CDAs put forward by Dr. Lyon Playfair in the Commons that day, by the middle of 1872, the *Halifax Courier* was reporting that he was making speeches about the likelihood of CDAs in garrison towns spreading until 'they become a system of licensing brothels throughout the UK. To that extension whether in Government or out of it, I shall afford a strenuous opposition.'<sup>154</sup> Throughout 1870 and 1871 Josephine Butler's passionate agitation against the CDAs was taking shape, and her politics were reduced to a very simple form; nothing outside her remit possessed any importance. However, Gladstone's government, inclusive of James Stansfeld, was facing struggle and crisis, on both domestic and foreign fronts, (Ireland and the relationship with America), and Butler's single quest for repeal shrank to a subordinate proportion. The Government eventually responded by appointing a Royal

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<sup>153</sup> Dr. Anthony Butler, "Lyon Playfair", *Scottish Medical Journal*, 2006, 51 (3): pp343-346.

<sup>154</sup> *Halifax Courier*, 6<sup>th</sup> April 1872.

Commission, the only course possible, for Ministers were divided on the question and the only official enquiries hitherto held had been conducted by doctors, strengthening the case for the CDAs. The new enquiry would give an opportunity to lay opposition to justify itself. Whilst some Ministers were friendly to repeal, others, including the Home Secretary, Henry Bruce, were strong opponents. The Royal Commission, promised in May, was not actually appointed until November.

### **Participation in Repeal of the CDAs**

At the height of his political success, Stansfeld was increasingly put under considerable pressure by his Halifax constituents to state his opposition to the CDAs even if it meant resigning from the Cabinet. During 1871, led by some of his most ardent supporters, an amendment was carried to their vote of confidence in him because of his perceived position on the CDAs. As previously attested in this chapter, the Unitarian Liberal vote was founded on the advocacy of, amongst other aspects, social causes, particularly anti-CDA agitation; so what was his position at this point? It seems clear from a speech to his constituents in early 1871 that he then believed the CDAs, when specifically limited to ports and garrison towns, were an unfortunate necessity, given the demand for celibacy amongst young troops within their own quarters. He would not however, tolerate any expansion of the law.

It was clear to him and to everyone else that in publicly adopting this view he would sacrifice his political career, further damaged by his acceptance of this cabinet post in charge of the Poor Law Board only on the express condition that he would be able to claim perfect liberty of action with regard to the Report of this Royal Commission. Just before the Commission reported, according to Mrs. Henry Fawcett, Chair of the Stansfeld Trust, in her “Stansfeld

Lecture” in 1922, he told his Halifax constituents that ‘no balance of material advantage would for one moment weigh in my mind against the question of the moral tendency of such laws as the CDAs of 1866 and 1868.’<sup>155</sup> He suggested to them that he should keep an open mind until the Royal Commission had reported. An unwieldy body of twenty five members, the Commission included neither a single woman nor a Nonconformist minister. The second omission was surprising given both the leading role the Nonconformists had played in the agitation and their already strained relationship with Gladstone over certain clauses in the Education Bill. It is also difficult to understand their exclusion when four members of the Established Church were chosen. The Commission sat for five months listening to a bewildering mass of contradictory evidence.

From the Minutes of this Commission it is apparent that whilst a number of aspects of the extended CDA of 1869 remained acceptable, including, for example the continued frequent examination of women as the best means of controlling VD, and the promotion of the moral and good effects, there was no clear consensus as to either their real efficacy or on the issue of their being directed solely at women<sup>156</sup>

Witnesses called to speak against such regulation were various and included John Stuart Mill who advised that the ‘Acts were unjustifiable in principle, taking away securities for personal liberty,’ and a local policeman, who despite being given an additional six shillings to his salary under the acts, had resigned, finding them immoral in principle and effect.’<sup>157</sup> The

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<sup>155</sup> Mrs. Henry (Millicent) Fawcett, *Stansfeld Lecture*, December, 1921, 7MGF/A/4/6, WL.

<sup>156</sup> “Minutes of Evidence taken before the Royal Commission upon the Administration and Operation of the Contagious Diseases Acts”, *Parliamentary Papers*, 1871, xix.

<sup>157</sup> “Minutes of Evidence taken before the Royal Commission”, p99.

results of the Commission were reported throughout the national and local press during July 1871.<sup>158</sup>

Although his parliamentary time during this period was consumed by his Local Government Bills, Stansfeld's subsequent study of the question must have led him to support his constituents and when, in 1873, W. Fowler MP, according to the *British Medical Journal*, 'obtained leave to bring in a bill to repeal the CDAs of 1864-69',<sup>159</sup> Stansfeld voted for this Repeal Bill; the *Derby Mercury* then reported that the 'Bill was defeated by 251 votes to 128.'<sup>160</sup> It is important to recall here that Stansfeld's Liberal constituents were representatives of morality. Victorian Liberals had, according to Stefan Collini, 'a penchant for moral rhetoric, which encouraged a tendency to look upon altruism as the heart of all moral virtue.'<sup>161</sup> Halifax was a parish town and a municipal and parliamentary borough. According to the National Gazetteer of Great Britain and Ireland, published in 1868, its manufacture of woollen goods, worsted, cotton and silk weaving had turned it into an important Yorkshire town. Many were also employed in coal mines, iron works, quarries and other branches of industry.<sup>162</sup> The effect of the Second Reform Act of 1867, which enfranchised the urban working-class male population, and the given power of the northern industrialists may well have influenced Stansfeld: driven as he was to public duty, these were the men who kept him in Parliament where his drive could be best facilitated. Stansfeld had left the Admiralty before the first of the CDAs was introduced, but he was a member of the Government when the Acts of 1866 and 1869 were passed. He seems to have been absorbed

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<sup>158</sup> For example, *Birmingham Daily Post*, 18<sup>th</sup> July, 1871, Issue 4056.

<sup>159</sup> Medico-Parliamentary Section, *British Medical Journal*, 25<sup>th</sup> February, 1873, p187.

<sup>160</sup> *Derby Mercury*, 7<sup>th</sup> January 1874, Issue 8320.

<sup>161</sup> Stefan Collini, *Public Moralists*, p66.

<sup>162</sup> Colin Hinson, *Transcription of National Gazetteer of Great Britain and Ireland, 1868*, [www/genuki.org.uk/big/eng/YKS/WRY/Halifax/Halifax68.html](http://www.genuki.org.uk/big/eng/YKS/WRY/Halifax/Halifax68.html), 2003. (Last accessed 21 November, 2011).

in his own departments (Under Secretary for India and Third Lord of the Treasury) and to have taken little notice of other matters until his constituents draw his serious attention to the issue of the CDAs.

On 13<sup>th</sup> February, 1872, Henry Bruce, the Home Secretary introduced a Bill which did not mention Repeal but was a 'Bill' for the prevention of certain CDs and for the better protection of women. Although it proposed to raise the age of consent from twelve years to fourteen, Bruce's Bill was really offering to repeal the Acts only to grant the police fresh powers over women whom they suspected of being prostitutes. Amongst repealers there was considerable division over this proposal. Butler, particularly, was against its adoption for though it appeared of abolitionist intent, it continued to support the issue of a double morality. In the event the Bill was not passed, satisfying, as Walkowitz reports: 'neither opponents nor supporters of the regulation.'<sup>163</sup> When Stansfeld next spoke in his constituency in April, 1872, the Commission had reported and Bruce's Bill introduced. In his speech he noted that: 'it is impossible to assent to legislation which implies in my mind State recognition, and something very nearly approaching State sanction, of the vice of prostitution.'<sup>164</sup> The views of his own constituents, together with his political understanding of the parliamentary impetus needed within the repeal movement, were probably the major influences which launched his decision to enter the fray in a very public fashion.

Thus, before the election of 1874, Stansfeld had become a definite champion of repeal, aware that his knowledge of insider power politics was likely to achieve more than impassioned speeches, and this was Stansfeld's endowment to the campaign against the CDAs, a knowledge that, without the franchise, no woman could hope to emulate. Working closely

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<sup>163</sup> Judith Walkowitz, *Prostitution and Victorian Society*, p96.

<sup>164</sup> James Stansfeld, *Halifax Courier*, 6<sup>th</sup> April, 1872.

with Josephine Butler throughout the Repeal years, Stansfeld took up the impetus of attrition in the House of Commons, whilst Butler was trusted to deal with rousing and maintaining public opinion away from the House. Butler described Stansfeld at this time as, ‘a kind helpful brother to me. His sympathy is complete. I am confident he cares little for office in comparison to this question.’<sup>165</sup> This was the very essence of Stansfeld’s support; it was unqualified, it was without self-interest and it was all-embracing, a further example of his passionate nature, which always seemed at odds with his reasoned thinking.

In 1874 the Commission reported against repeal and almost simultaneously the Liberals were out of power. The new Government was also hostile to repeal, which released Stansfeld from any party obligations and facilitated his endorsement of the repeal cause. The outlook was less hopeful than in 1870, in part due to inexperienced leadership, but more importantly because from the middle 1870s onwards, the government, be it Liberal or Conservative began increasingly to use criminal law to regulate individual morality. The historian and classicist, Stefan Petrow suggests there were three related reasons, ‘changes within political parties, especially the Liberal Party; the involvement in politics of Nonconformists; and the agitation of pressure groups.’<sup>166</sup> Traditionally a party of support for individual freedom and accordingly against state interference, Liberal principles seemed to alter in the late 1870s - 1880s toward the view that ‘positive state action could further individual freedom.’<sup>167</sup>

Another feature of late Victorian politics was ‘the more favourable estimate of state action for moral purposes adopted by Nonconformists.’<sup>168</sup> It appears that once their religious freedom

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<sup>165</sup> Josephine Butler Collection, to *Dear Friends all over the Country*, 8<sup>th</sup> July, 1871, WL.

<sup>166</sup> Stefan Petrow, *The Legal Enforcement of Morality in Late-Victorian and Edwardian England*, *University of Tasmania Law Review*, Vol. 11, No. 1 (1992), p62.

<sup>167</sup> Peter Clarke, *Liberals and Social Democrats* (Cambridge: Cambridge University Press, 1981), p184.

<sup>168</sup> David Bebbington, *The Nonconformist Conscience* (London: George Allen and Unwin, 1982), pp13-14.

became more assured, many Nonconformists reversed their previous distrust of the state. Holding influential positions within the Liberal party, as they did, this does clarify our understanding of the length of time it took for repeal to be passed. A third factor was the development of pressure groups which did not necessarily abandon philanthropy but were more impatient for an immediate solution to what they saw as moral evils. Thus at the time that James Stansfeld was rubber-stamping the call for repeal, his own party was undergoing a transformation away from its original ideology. Walkowitz describes Stansfeld at this time as ‘one of three leading radicals in the Cabinet, part of a cosmopolitan, feminist and republican circle in London.’<sup>169</sup> He allowed his name to appear as Vice-President of the National Association for Repeal, which was a momentous decision for his own fortunes. He was stepping into a ship which looked as though it was sinking. His rapid advancement in government might have led to the highest posts and one can clearly surmise that Stansfeld knew he was sacrificing his political career when he aligned himself in this manner. Following his decision to divert his energy from Radical politics to the crusade against the CDAs, he devoted his first parliamentary speech against the CDAs in June 1875 to exposing the fallacies of the official statistics. He firstly questioned the true hygienic value of the Acts, suggesting that ‘by the false expectation of physical immunity from the consequences of vice’ the legislation had in fact stimulated vice; and if you stimulate vice you increase the danger and probability of disease.’<sup>170</sup> He then analysed a great number of figures to prove that these statistics were scientifically unsound, before appealing to the morality of the House.

I will ask this House, in the interest of morality and justice  
 ....let us determine, by the repeal of these Acts, that at least  
 Parliament and Government and Law shall no longer needlessly  
 be responsible for legislation which has outraged the moral

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<sup>169</sup> Judith Walkowitz, *Prostitution and Victorian Society*, p96. (The other two were Bright and Forster).

<sup>170</sup> James Stansfeld, *Hansard HC Deb 23<sup>rd</sup> June, 1875*, vol. 225, no. 410.



instincts of a large portion of the community and which is essentially immoral and incapable of justification or defence.<sup>171</sup>

The Spectator reported on 26<sup>th</sup> June that this debate ‘terminated in a vote of 308 to 126 in favour of retaining the Acts, and that Mr. Gladstone and most of the Liberal leaders, except Lord Hartington, voted for their repeal.’<sup>172</sup> Supporters of the Acts countered this, emphasising the advantages to women, the value of hospital treatment and the opportunity of rescue.

Stansfeld, unusually, disagreed with fellow repealers about the question of hospital accommodation, his colleagues suggesting that VD be treated in general hospitals as merely another illness. Stansfeld’s knowledge of the British hospital system persuaded him to support the special hospital, foreseeing great difficulty in persuading a general hospital to make allowances for the long drawn-out case of syphilis recovery. He spoke at a number of meetings that year, including an address in June 1876 to the Statistical Society on the validity of the annual government statistics about the CDAs. ‘I am absolutely opposed to the CDAs from a hygienic point of view. Government statistics are, scientifically speaking, insufficient to support the conclusions which they are supposed to demonstrate.’<sup>173</sup> This was part of his campaign to make the repeal movement a more effective political pressure group, as was his concern to place the repeal argument on a more scientific basis, to ‘beat the supporters [of the Acts] on their own ground.’<sup>174</sup> In effect, whilst the CDAs did raise a moral issue, which Stansfeld put to good effect in the House, their supporters also raised apparently supporting data, which he encouraged the repealers to rebut by fighting steel with steel.

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<sup>171</sup> James Stansfeld, *Hansard HC Deb 23<sup>rd</sup> June, 1875*, no. 416.

<sup>172</sup> The Debate on the Contagious Diseases Acts, *The Spectator*, 26 June, 1875, p2

<sup>173</sup> James Stansfeld, Government Statistics, *Journal of the Statistical Society of London*, September 1876, Vol. 39, No. 3 (London: Blackwell Publishing, 1876), p540.

<sup>174</sup> Hammond & Hammond, *James Stansfeld*, p191.

A notable speech took place in October of that year in Plymouth, where he emphasised his support for special hospitals as part of a system ‘by which all through the country there should be a more generous, more ready, and more charitable provision made for sufferers than has hitherto been done.’<sup>175</sup> His concern for specialised hospitals was further emphasised in January 1877 in a letter to a Dr. Bertani, with whom, as a close friend of Mazzini’s and his personal physician, Stansfeld had been associated in earlier days. He wrote, ‘Certainly all Hospitals ought, wherever needed, to have syphilitic wards, both for men and women[....] Some of our large workhouse hospitals do now have separate syphilitic wards. Our law, therefore, in this respect appears to me to be complete; the fault is that it is not administered in the spirit in which you and I would have it administered, that is, in a kindly spirit.’<sup>176</sup>

Without any big names backing the repeal movement, Stansfeld’s adherence gave the cause new stature. He was an important leader of the Radical group among the Liberals and must have been aware that he had jettisoned his prospects of higher ministerial office when he so wholeheartedly supported such a cause. *Public Opinion* described this sacrifice as, ‘His many years of devotion to a reform shunned by most respectable citizens because of its unsavoury material ranks as a unique record of self-sacrifice. The special disrepute of the subject attached itself to the man who outraged public decency by speaking about it.’<sup>177</sup>

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<sup>175</sup> James Stansfeld, Speech in Plymouth, 4th October, 1876, quoted in *The Shield*, 21<sup>st</sup> October, 1876.

<sup>176</sup> James Stansfeld, Letter to Dr. Bertani, 5<sup>th</sup> January, 1877, quoted in Hammond & Hammond, *James Stansfeld*, p205.

<sup>177</sup> *Public Opinion*, 30 September 1932, p322.

## Equality and Women's Rights

Stansfeld's work for female equality was not merely verbal but an active support for the increased participation of women in the political and professional arenas. Although a very unpopular choice, he appointed a woman, Mrs. Nassau Senior, as the Inspector of Poor Law Institutions in 1874. The sister of Thomas Hughes (author of *Tom Brown's Schooldays*), Mrs. Senior was the first woman to be appointed to high public office in Whitehall, ie to central government civil service, and whilst her pedigree may have deemed her an appropriate choice, Stansfeld had to fight the Permanent Secretary to the Treasury, R.R.W. Lingen, and when her nomination was confirmed, Mrs. Senior's remit was enlarged to include all adult women in workhouses. Her main task was to investigate and report on the education of girls in pauper schools, the report starting a new era for pauper children, and to that unique initiative of Stansfeld's may be traced the movement in favour of women Poor Law Guardians, the first being elected in 1875. A contemporary commentator suggested of Stansfeld that 'perhaps his high estimate of women, and his consequent zeal in their cause, sprang from a grateful remembrance of the devoted affection of the six sisters whose only brother he was.'<sup>178</sup> In challenging the negative contemporary position toward females in high office, he enabled Mrs. Senior to make a significant contribution to both the movement for women's emancipation and to develop higher standards of child care by public authorities. This commentator further observed of Stansfeld that 'his absolute devotion to great principle made him an unsatisfactory member of cabinets, so that men who could not be compared with him for political ability, for wide and varied reading and information, or for eloquence,

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<sup>178</sup> Justin McCarthy, *Memorable Unitarians: Being a series of brief biographical sketches* (London: British & Foreign Unitarian Association, 1906), p392

rose to higher political positions than he.<sup>179</sup> Stansfeld's endeavours ensured that middle-class women did achieve some political prominence, if only at a local government level.

Stansfeld made female equality a key concern of his political activism. From the early 1870s he travelled widely throughout the UK delivering stirring speeches, for he was an eloquent speaker able to make statistics intelligible to an unknowing audience. Some of this activity has been documented by biographers of Josephine Butler, including Enid Moberly Bell, who argues that he saw where the agitation lacked power and 'knew enough of the conditions of parliamentary life to realise that having failed to carry the position by storm, the repealers must settle down to the hard, unexciting discipline of a siege.'<sup>180</sup> In effect, where the original agitators such as Josephine Butler had been mainly concerned to stir up public opinion in the country against the outrage on liberty, Stansfeld set himself the task of laboriously collecting the evidence which his experience of Parliament had shown him would alone sway the opinion of the House. This then was his great contribution, for he knew that only the constant and sincere statement of the moral issues and the sustained marshalling of facts would ever convince the House that the CDAs had failed hopelessly. On 15th October 1874, in his 'maiden' speech in Bristol, Stansfeld condemned the CDAs as 'immoral and unconstitutional and calculated to degrade the manhood and womanhood of the country.'<sup>181</sup> He announced his sympathy with the women of the movement who had been 'hounded down and hooted at', and vowed 'that neither he nor they would desist until the Acts had been repealed.'<sup>182</sup> The National Press covered this speech widely, troubled by his support for such an unseemly cause. The *Times* sincerely regretted 'to find a statesman of Mr. Stansfeld's eminence

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<sup>179</sup> Justin McCarthy, *Memorable Unitarians*, p393.

<sup>180</sup> Enid Moberly Bell, *Josephine Butler*, p115.

<sup>181</sup> Josephine Butler, *Personal Reminiscences of a Grand Crusade* (London: Horace Marshall & Son, 1896), p119.

<sup>182</sup> Josephine Butler, *Personal Reminiscences of a Grand Crusade*, p120.

identifying himself with the hysterical crusade against the CDA'.<sup>183</sup> Stansfeld withstood the assault with good humour, writing to Butler towards the end of the year, 'I hope to be the best abused man in England within twelve months.'<sup>184</sup> Bristol was followed by Bradford and Scarborough in November and Birmingham in December. Early 1875 found him on the dais in Liverpool, Edinburgh and London.

Stansfeld did agree with most repealers that important moral and constitutional issues were at stake but also stressed the need to 'counter regulationist arguments with scientific and empirical 'facts' that supported repeal.'<sup>185</sup> To this end he encouraged the formation of the National Medical Association for the Repeal of the CDAs (NMA) in 1875, with a view to enlisting medical opinion in support of repeal. Led by the Liverpool consultant John Birkbeck Nevins, the NMA published its own journal, the *Medical Enquirer*, described by Mary Spongberg as a vehicle to counteract the bias of the medical press towards sexual regulation.<sup>186</sup> With Nevins and his colleagues, Stansfeld could see that the most effective defence against the Acts which repealers could muster was a medical campaign. Members of the medical profession opposing the Acts did so because they negated personal rights, a fundamental principle of social progress, a policy fully endorsed by both Butler and Stansfeld, who also shared their concern about the extension of state power into medical affairs.

However, from the mid-1870s relations between Liberal politicians and women were damaged by opposing views on women's suffrage. Martin Pugh suggests that it was

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<sup>183</sup> 'The Times,' quoted in Hammond & Hammond, *James Stansfeld*, p190.

<sup>184</sup> Letter *James Stansfeld to Josephine Butler*, 21<sup>st</sup> October 1873, JB Collection, Box 3240, WL.

<sup>185</sup> Judith Walkowitz, *Prostitution and Victorian Society*, p97.

<sup>186</sup> Mary Spongberg, *Feminising Venereal Disease*, p85.

‘political developments during the 1880s and 1890s which undermined Liberal sympathy for suffragism.’<sup>187</sup> Many Liberals thought a limited vote would enfranchise women of property who would naturally vote Conservative. Many Radical Liberals including Joseph Chamberlain questioned female political instincts regardless of social class. For example, Laurel Brake and Marysa Demoor, in their *Dictionary of Nineteenth Century Journalism*, describe the Liberal *Nineteenth Century Magazine* as ‘one of the most important and distinguished monthlies’, and in June 1889, it carried “An Appeal against Female Suffrage”<sup>188</sup> ‘To men belong the struggle of debate and legislation in Parliament; the hard and exhausting labour implied in the administration of the national resources and powers [...]’<sup>189</sup> By the mid-1880s, some radicals who had supported women’s suffrage in the 1860s, began to promote the issue of separate spheres purely on the basis above, that politics was a masculine issue. E.A. Leatham, Liberal MP (Huddersfield), for example, responded to a request for extension of the suffrage bill to women; ‘[...] there are certain responsibilities which attach to men and there are certain responsibilities which attach to women and these duties are best performed when one sex does not invade the province of another[...] We shall lose the woman without getting the man.’<sup>190</sup> But the greatest obstacle was Gladstone himself and the suffragists finally blamed him for excluding women from the 1885 Reform Act, although by the 1890s he was showing signs of a strategic retreat.

Stansfeld was one of the earliest supporters for the movement to educate female doctors. In 1874 a small committee gathered to consider the question of starting a medical school for

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<sup>187</sup> Martin Pugh, “Liberals and women’s suffrage, 1867-1914”, in *Citizenship and community: Liberals, radicals and collective identities in the British Isles 1865-1931*, ed. by Eugenio Biagini (Cambridge: Cambridge University Press, 1996), p56.

<sup>188</sup> Laurel Brake & Marysa Demoor, *Dictionary of Nineteenth Century Journalism* (Ghent: Academia Press, 2009), p456

<sup>189</sup> Mrs. (Mary Augusta) Humphrey Ward, “An appeal against Feminist Suffrage”, *The Nineteenth Century* (June, 1889), pp781-788

<sup>190</sup> *Hansard*, HC Deb 12th June, 1884, Vol. 289, No. 105

women, amongst them, Dr. Elizabeth Garret (the first female doctor in Britain, who had managed to qualify through the Society of Apothecaries) and Sophia Jex-Blake. To enable women to obtain a complete qualification in medical study, they took a small house in Henrietta Street (renamed Handel Street in 1888) to form the site of one of the largest most up-to-date Schools of Medicine in London, the London School of Medicine for Women (LSMW), with twenty three students enrolling immediately.<sup>191</sup> The school moved to purpose-built premises on the same site at the turn of the century. There was no official recognition by any of the nineteen examining Boards and no hospital instruction could be obtained. Finally those with degrees from the Universities of France, Berlin, Berne and Zurich were allowed to register as medical practitioners.

The reluctance of the established medical authorities to acknowledge the potential of female doctors can be evidenced in sample letters of the period. One such from the Acting Honorary Secretary of the Royal Free Hospital, (RFH), to the Dean of the LSMW in October 1874 suggests that ‘the medical staff of RFH declined to entertain the question.’<sup>192</sup> This was further corroborated in July 1876, when a further letter from the same source said, ‘The staff cannot but recognise that the female medical movement has not, as yet, acquired dimension sufficient to show it can supply any great public want, nor has it shown that very many women could undergo the very great mental and physical labour, of the kind which medical men must endure as students and much more in actual practice.’

Stansfeld, who was the Hon. Treasurer for the LSMW from its inception until 1891, threw his whole energies into the task of persuading the authorities of the RFH to admit women

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<sup>191</sup> [www.english-heritage.org.uk/discover/people-and-places/womens-history/women-and-healthcare/elizabeth-garret-anderson](http://www.english-heritage.org.uk/discover/people-and-places/womens-history/women-and-healthcare/elizabeth-garret-anderson) (Last accessed 3 September 2010).

<sup>192</sup> *Annual Report*, October, 1874), p10, LMSW, RFHA.

students into the wards. The Medical staff had already refused, so Stansfeld appealed to the lay members of the weekly Board, particularly its Chairman, James Hopgood. He told Sophia Jex-Blake that ‘I am to send Mr. Hopgood something to read [...] he does not appear to be in awe of the medical staff.’<sup>193</sup> On 15<sup>th</sup> March, Stansfeld reported that the Board had finally found for the women. This culminated in an agreement dated 5<sup>th</sup> June 1877 between the RFH and the LSMW in which the medical staff of the Hospital ‘shall permit the students of the School to accompany them on ward rounds and for the students to be Dressers and Clinical Clerks in the usual way.’<sup>194</sup> The medical staff also vouched to deliver two annual lectures on clinical medicine and surgery. The arrangements were to commence on 1<sup>st</sup> October 1877. At a meeting at St. George’s Hall on 25 June, Stansfeld reported on the 1876 Medical Act, brought before the House by the MP for Southampton, Russell Gurney. A lawyer and supporter of women’s rights, Gurney’s Act empowered the Medical Examining Bodies to admit women to their degrees and confirmed that following this Act, an agreement had been reached with RFH in relation to clinical instruction at the Hospital. The Minutes of a Governing Body meeting of the LSMW recorded, ‘the untiring energy and tact of James Stansfeld, who had carried their case not only in the House, but had also brought to bear his statesmanship in the management of men, learnt in the legislative assembly.’<sup>195</sup> Stansfeld remained on the LSMW Governing Body until 1894. The Minutes of the Executive Committee in 1889 reported only one female member of the BMA – Elizabeth Garrett-Anderson.

The historian, Catriona Blake, describes the difficult situation for new students who were reliant on sympathetic male doctors to teach them, it being three years before the School

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<sup>193</sup> Shirley Roberts, *Sophia Jex Blake: a Woman Pioneer in Nineteenth Century Medical Reform* (London: Routledge, 1993), p141

<sup>194</sup> *Minutes of the Governing Body* (10th June, 1877), p11, LMSW, RFHA

<sup>195</sup> *Minutes of the Governing Body* (20th June, 1877), p13, LSMW, RFHA



persuaded the (then, nearby), Royal Free Hospital to open its wards to females.<sup>196</sup> This was the first hospital in Britain to do so. In her biography of Sophia Jex-Blake, author Margaret Todd refers to a letter written in 1877 by Dr. Garrett Anderson to James Stansfeld: ‘We all owe more to you than to anyone.’<sup>197</sup> In her text *The Woman Doctor and her Future*, reviewing nineteenth-century practice, and published in 1922, Louisa Martindale suggests that the essence of Stansfeld’s thesis is clearly stated. ‘The elimination of venereal disease comes immediately within the range of vision once its direct connection with a high standard of morality is realised and acted upon. And to the enlightened man or woman of the present day an educative propaganda of prevention, based on a higher moral code, self-control and an equal and high standard of morality for both sexes, is surely a more reasonable and efficacious solution to a very serious problem than the short-sighted policy of license plus prophylactics.’<sup>198</sup> In his 1877 article on medical women in *The Nineteenth-Century Magazine*, Stansfeld related the ‘uphill struggle against long odds, of doubtful progress, hopes disappointed or defeated, the patience and courage of many trembling in the balance.’ Further in this article he stated, ‘Independent of the general question of freedom and right, there are special reasons why men should not be permitted to exclude women from the practice of medicine. Women’s claim is a double claim, to study and practice medicine and to be medically attended by persons of their own sex.’<sup>199</sup>

A significant factor in the anti-CDA campaign of both Stansfeld and Butler was also medically- related, concerning the use of the speculum by men, there being, as has been illustrated, no female medical practitioners. The speculum allowed men to know and control

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<sup>196</sup> Catriona Blake, *The Charge of the Parasols: Women’s entry into the medical profession in Britain* (London: Women’s Press, 1990), p30.

<sup>197</sup> Margaret Todd, *Life of Sophia Jex-Blake* (London: Macmillan, 1918), p444.

<sup>198</sup> Louisa Martindale, *The Woman Doctor and her Future* (Plymouth: Mayflower Press, 1922), p86.

<sup>199</sup> James Stansfeld, “Medical Women”, *The Nineteenth-Century*, Vol. 1 (July 1877).

the women they were examining. Women's sexual freedom and bodily privacy were therefore given up to men obsessed with the need to control women's bodies and the medical profession. In her analysis of gender in early Germany, *Speculum Feminarum*, Lynne Tatlock quotes the twentieth-century feminist Luce Irigaray, who asserts that 'man's use of the speculum signifies the masculine usurpation of the right to look at everything. The glance through the speculum,' Irigaray insists, 'leads man mistakenly to believe himself reconfirmed in his priority in the creation and thus as the sole contender for knowledge.'<sup>200</sup> Whilst examination of the cervix, ie use of the speculum, might be considered an important part of a doctor's job, its application by a solely male population of medical examiners was highly invasive. Little wonder then, that Stansfeld found this unacceptable, which was undoubtedly part of the reasoning behind his prominent support for the medical profession to allow female practitioners.

## **British, Continental and General Federation for the Abolition of Government**

### **Regulation of Prostitution (BGF)**

In 1874, while turning attention to women's rights and their marginal role in the medical profession, it had become clear to both Stansfeld and Butler that canvassing in Europe would greatly assist the propaganda of the abolitionist cause. This opinion was based on the results of a medical conference in Vienna that year, at which the principle of the state regulation of prostitution embodied by the CDAs, was accepted as a valuable contribution to promoting public health. It was proposed that a worldwide league led by Britain should be created to fight this propaganda. To advance this, Butler subsequently left for Paris with her husband in December 1874. Visits to France were followed by those to Italy and Switzerland, and a

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<sup>200</sup> Lynne Tatlock, *Speculum Feminarum*, *Signs*. 17 (Summer 1992), p759.

return to Britain in February 1875. The creation of a pan-European organisation to support the repeal movement resulted in the first international conference of the formally constituted British Committee of the Continental & General Federation for the Abolition of Government Regulation of Vice, (BGF). Stansfeld became its President and Josephine Butler and Henry Wilson its joint Secretaries. William Crosfield was later appointed treasurer, while Wilson's place was taken six months later by James Stuart. When the final constitution was passed in 1878, it set out the permanent shape of the organisation; it was to consist of a General Meeting, a General Council and an Executive Committee. A General Council had been established since 1876 and contained representatives of the main repeal organisations in Britain, over thirty private individuals and representatives from India, the Cape of Good Hope, Italy, France, Switzerland, Germany, Belgium and the United States. Each country involved maintained its own national branch that worked its own area whilst maintaining close links with the other branches. Other representatives were added as more countries became concerned about the issue. The Federation established its own journal in December 1875, *Le Bulletin Continental*, and the Executive Committee of the British branch of the Federation acted for some time as the actual executive committee of the whole organisation.<sup>201</sup>

The LNA continued its vigorous campaign throughout this period, urging the rank and file to undertake rescue work in their own localities, whilst trying to demonstrate their practical knowledge of the conditions and temptations faced by poor women. In a letter publicly addressed to the LNA membership Stansfeld stressed the importance of the combined effort of repeal and rescue work. As Walkowitz suggests in analysing his methodology, Stansfeld felt petitions and propagandist work were insufficient to keep the members occupied, whilst

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<sup>201</sup> *Records of the BGF*, Ref: GB106, Box 3BGF, WL.

in contrast, rescue work would draw women into the LNA. ‘Stansfeld did not expect such efforts to degenerate into ‘mere charity’, but hoped that women would gain a personal understanding of larger social problems through this experience.’<sup>202</sup> This would facilitate their arming themselves with facts to combat the exaggerated expertise of official and medical advocates of the CDAs. Stansfeld stressed upon repealers to ‘devise a programme encompassing rescue work and physical care so that ‘those not dreaming of escape should be ministered unto also.’<sup>203</sup>

The late 1870s, under Conservative Prime Minister Disraeli, were lean years for the repeal movement with successive repeal bills defeated in the Commons and Stansfeld confessing that, ‘Every time that I address myself to speak upon this question I lift a heavier weight.’<sup>204</sup> In 1877 members of the English Federation prepared for the first International Congress of the International Federation in Geneva; the Congress endorsed the Federation’s demand for abolition of all systems of regulation. There was an underlying power struggle for control of the repeal movement which threatened to explode in 1877. Stansfeld’s directive, encouraging repealers into rescue work threatened the feminist political position of the LNA. Although Josephine Butler had brought Stansfeld into the movement, his developing pre-eminence indicated a shift in the balance of power from female to male leadership.

That Stansfeld was frequently opposed in the subject matter of his speeches around the country is demonstrated by a description of the Annual General Meeting of the LNA in Dublin in 1878. Attended by Josephine Butler, after the main meeting a public conference was organised for a mixed audience at the Rotunda, James Stansfeld being amongst the

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<sup>202</sup> Judith Walkowitz, *Prostitution and Victorian Society*, p132.

<sup>203</sup> Letter James Stansfeld to the LNA and the Other Repeal Associations throughout the Kingdom, 1875, *LNA Minutes*, 3LNA/A/1, WL.

<sup>204</sup> Hammond & Hammond, *James Stansfeld*, p206.

speakers. Maria Luddy in her *History of Ireland* reports that ‘when he rose to speak, there were cries that the women in the audience should be put out and a number of young men began to disrupt the meeting; the police had to be called to clear the hall and the meeting was abandoned.’<sup>205</sup>

The year 1879 was a more fruitful year for repealers, offering Stansfeld his first real opportunity to challenge the medical authority of the CDAs, during a Special Committee created in July by the Conservative government to examine their operation. Supporting the Acts were a number of influential medical men who maintained that figures showed a reduction in disease since the Acts had begun. Stansfeld’s questioning of a controversial pay stoppage introduced in 1873 to penalise diseased soldiers, which did result in a marginal decline in VD prevalence, demolished their argument. He suggested that this stoppage had led only to concealment, with a subsequent lack of treatment and an increased extent and severity of secondary symptoms. Predicated on any decline being due to a number of factors, repealers stated that it was illusory to suggest the Acts themselves had reduced venereal disease and that syphilis did not cure itself. The conclusion drawn was that rates of syphilis in the armed forces were likely to remain steady.

Spongberg describes this last point as the most profound medical argument for ‘despite all prophylactic measures, doctors could not guarantee protection or cure.’<sup>206</sup> For Stansfeld, this argument was the core issue in his attempt to wrest control of the debates through proving that the Acts had made no impact on the spread of venereal disease. By forcing government officials to examine their own statistics and defend their medical conclusions, repealers were

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<sup>205</sup> Maria Luddy, Women and the Contagious Diseases Acts 1864-1886, *History Ireland*, Vol.1 Issue 1 (Spring 1993, pp32-34).

<sup>206</sup> Mary Spongberg, *Feminising Venereal Disease*, p83.

able to shift the argument away from the notion that the prostitute was a pathological creature. Once the argument refuted the idea that prostitution and syphilis were as one, it became impossible for the CDAs to be maintained on the grounds that they prevented the spread of VD. Nevins, President of the NMA, was called to the Commission in March 1880 at which time he challenged the army statistics showing any venereal decline because the figures did not differentiate between non-infecting sores and infecting ones. He posited any decline as the logical result of greater diagnostic skill. Faced with increasing medical evidence, supporters of the Acts continued to refute the moral accusation that regulation involved the state sanction of vice by, as Spongberg advises, ‘relying on the belief that the curative functions of medicine provided their own moral guarantee.’<sup>207</sup>

April 1880 saw the Liberal government back in power, but Stansfeld, who had been fighting for repeal above all other political matters, had lost political favour. Gladstone offered him only the Deputy Speakership, which he refused. The Committee was reappointed in June 1880 and the new Judge Advocate General, Welsh lawyer and MP for Denbighshire, Osborne Morgan, became a formidable opponent to Stansfeld. After its reappointment the Committee failed to sit during the remainder of 1880. Stansfeld now directed all his energy to the repeal and in October 1881, he addressed a Conference of delegates from a wide section of Repeal Associations detailing the history of the Committee sessions and its discussions on hygiene, forces efficiency, and the moral and religious aspects. The essence of his speech was derision of pro-legislation Government witnesses and a challenge to the Government, his own Liberal Government:

Will you take the responsibility of maintaining Acts against which the best of your supporters and the moral and religious elite of the country protest on moral, religious and constitutional grounds, upon an exploded

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<sup>207</sup> Mary Spongberg, *Feminising Venereal Disease*, p95.

medical theory and a divided medical opinion?<sup>208</sup>

Stansfeld also confirmed his personal stance, stating, ‘[...] and I here declare that upon this subject (CDAs), I owe henceforth, no allegiance whatsoever save to my conscience and the higher law.’<sup>209</sup>

This speech was primarily a call to arms, an extremely powerful evocation, of which the following passage is the conclusion of the seventeen- page transcription.

The time is come for you all to buckle on your armour and get into fighting trim. There must be no delay, no doubt, no hesitation and no faint-heartedness. The time of trial of this system and of the principles which underlie this system, are near at hand. Our opponents, relying on their Fabian tactics of delay, have doubtless been hoping and half-believing that during these days of comparative inaction our courage must have been oozing away, our faith diminishing and our enthusiasm waning; and that when the moment of actually joining in the fight shall arise they may find that half the virtue has departed out of us. If they find that, I will give them joy. I will give them joy in their day and generation, but shame to us; because it would be the first time in the history of our land when faint-heartedness ever lost a noble and moral cause.<sup>210</sup>

The language here is the rhetoric of a fine orator; the repetition, the active verbs emphasising the optimism of the supporters of the acts – ‘hoping, believing’ with the negativity of ‘oozing, diminishing and waning’ amongst the repealers; the juxtaposition of ‘joy’ and ‘shame’, and the ending on an uplifting vision of a ‘noble and moral cause’.

In the middle of 1882 the Committee was again reappointed: Stansfeld brought forward the second reading of his Repeal Bill on 19<sup>th</sup> July. He reiterated that opponents of the Acts were not against the treatment and cure of disease *per se* but against compulsory registration and examination. The Committee reported in August, 1882 with a majority of ten wholeheartedly

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<sup>208</sup> James Stansfeld, “On the Failure of the Contagious Diseases Acts as proved by the official evidence submitted to the Select Committee of the House of Commons, 1879, 1880 and 1881,” *LSE Selected Pamphlets* (25<sup>th</sup> October, 1881), p15.

<sup>209</sup> James Stansfeld, “On the Failure of the Contagious Diseases Acts,” p17.

<sup>210</sup> James Stansfeld, “On the Failure of the Contagious Diseases Acts,” p17.

supporting the CDAs, and eschewing any need for improvement. The majority had an elaborate calculation by which the period 1870-73 had proved to their own satisfaction that the Acts had produced improvement in Army efficiency. The struggle lasted until 1882, largely between Stansfeld and officials such as Morgan, when Parliament was finally persuaded to abandon the CDAs. In trying to fight a statistical battle with the Government to show that the CDAs were not working, Stansfeld did admit, 'I have always said, and I repeat it here, that to my mind, the most damning evidence against the Acts would be the proof of their complete hygienic success.'<sup>211</sup> In July 1882 he did return to the cabinet, signalling Gladstone's tacit support for repeal and the removal of the 'disability prohibiting a Cabinet member from advocating a moral cause.'<sup>212</sup> MPs were advised to delay voting on the Repeal Bill until the recommendations of the Select Committee of the Commons on the operation of CDAs were known.

Throughout the 1880s, amongst various strategies for influencing Parliament, Josephine Butler suggested a national day of fasting and prayer early in 1883; the first of a number of prayer meetings to be inclusive of all denominations. The Quakers were supportive, but Unitarians and established Church supporters were hostile. In following the Unitarian stress on reason and individual conscience in both belief and practice, together with its professed tolerance of other beliefs, it seems extraordinary that James Stansfeld told Butler 'he would not wish to join 'with others' in prayers.'<sup>213</sup> Despite his apparent misgivings, he urged advertising the prayer meetings in the national press and such was the effect that Stansfeld gained time in the House for a debate on 20th April 1883. A majority of 72 MPs supported his motion that 'This House disapproves of the compulsory examination of women under the

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<sup>211</sup> James Stansfeld, *The Shield*, 1<sup>st</sup> November, 1881.

<sup>212</sup> Josephine Butler, General circular to LA Executive, 8<sup>th</sup> December 1882, Womens Library, HJ Wilson Box No 79, quoted in Judith Walkowitz, *Prostitution and Victorian Society*, p98.

<sup>213</sup> Letter *Josephine Butler to Miss Priestman*, 17<sup>th</sup> January, 1883, 3JBL/22/07, WL.



CDAs.<sup>214</sup> The immediate result was an announcement by the Government of the suspension of all clauses relating to the submission and examination of women. In a letter to the new President of the BGF, M. Emilie de Laveleye, Stansfeld explained that the repealer's victory was irrevocable. 'I certainly could not have carried a Repeal Bill, but, though seeming to do less, I believe that I have in reality accomplished more, for I have succeeded in carrying, by a conclusive majority in the British Legislature, a resolution, which is, in my opinion, fatal not only to the CDAs, but to any possible system for the State Regulation of Vice.'<sup>215</sup> The debate was notable for Stansfeld's ability to demolish the arguments of the Select Committee majority report, particularly with regard to his evidence that the Acts had failed to eliminate VD. This vote was announced in the national press as the 'death-blow' to the Acts.'<sup>216</sup>

Stansfeld's resolution was not entirely successful. Despite his demand for absolute repeal Gladstone's government suggested retaining as much of the Acts as the House was prepared to accept; in reality this meant continuance of the 1866 and 1869 CDAs, allowing only that medical treatment should be purely voluntary. The Government was in a difficult position for whilst the majority had voted for Stansfeld's Resolution, the Cabinet members responsible for the Army and Navy, Lords Hartington and Northbrook and the Home Secretary, Sir William Harcourt, were all in favour of the CDAs. The Resolution was limited therefore to the question of medical examination and did not deal with hospital policy. Lord Hartington, by now Secretary for War was asked to draft a bill to that effect, 'Hartington's

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<sup>214</sup> Jane Jordan, *Josephine Butler*, p215.

<sup>215</sup> Letter Sir James Stansfeld to M Emilie de Laveleye, 5<sup>th</sup> September, 1883, quoted in Jane Jordan, *Josephine Butler* (London: John Murray, 2001), p 211.

<sup>216</sup> Benjamin Scott, *A State Iniquity: Its Rise, Extension and Overthrow*, (London: Kegan Paul, 1890) p223.

Bill' as it became known. The Bill provided for 'the Detention in certain Hospitals of persons affected with Contagious Disease and to repeal the CDAs 1866 – 9.'<sup>217</sup>

Stansfeld's reaction was to focus on the specific. The new Bill, whilst repealing the CDAs altogether, extended enormous powers to the Medical Officers of those specified hospitals to detain patients. Thus whilst there was no longer any overt legislation to compel a woman to go to hospital, once she was there she could be kept there for as long as the Medical Office thought necessary. The Bill, having no time limit on detention, was more drastic than the CDAs themselves. Josephine Butler's furious reaction was countered by Stansfeld's certainty that they should not contest this Bill, but fight to remove one particularly contentious clause. Clause 5 determined that a diseased woman be compulsorily detained in a lock hospital until cured. In the end, the Bill was dropped, withdrawn on 26 July owing to the pressure of public business, but leave was given for its presentation again the following year. The Bill did cause division in the repeal camp, the NA, the VAPR and the NMA protesting against it, whilst Stansfeld continued to maintain that if Clause 5 could be eliminated, the right policy was to support the Bill, introducing amendments. His policy was clear: 'No one can guarantee success, but I am convinced that the time has come when we ought to realise and secure our gains; and I am satisfied that the course which I intend to pursue affords the best prospect both of repealing the existing Acts and defeating Clause 5.'<sup>218</sup> This was the pragmatic response of a seasoned politician, who understood the Liberal concern that, should a Conservative ministry take office with the Acts unrepealed, they would be put into force again. His speech to a Conference of opponents of the State Regulation of Vice in October, in Birmingham, was directed to averting this danger. He asked repealers to concentrate their

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<sup>217</sup> *Hansard HC Deb 5<sup>th</sup> July, 1883*, Vol. 281, C579, Lord Hartington's Bill, "Detention in Hospitals, No. 2, (1883).

<sup>218</sup> *The Shield*, 6<sup>th</sup> October, 1883.

energies on preventing the reappearance of Clause 5 to give them all the best chance of carrying the Bill and of defeating that clause.

There was no legislation on the CDAS during 1884, but by early 1885 the repealers were weakened by a serious division of opinion over the CLAA. They felt the Government should repeal the CDAs before introducing other measures, but Egypt, Russia and Ireland filled the political agenda until the Liberals were defeated that summer.

In March 1885, Stansfeld's wife, Caroline, died of a cerebral haemorrhage at home at Stoke Lodge, Hyde Park Gate, London. She had suffered since 1881, according to a Mr. W.S. Caine who reported to Henry Wilson in August 1882 that 'unhappily his [Stansfeld's] wife is slowly dying. In the Spring of 1881 she was struck down by an incurable disease affecting mind and body.'<sup>219</sup> The Hammonds reported that it was not until April, 1885 that 'death freed her from her ceaseless misery and Stansfeld from his terrible vigil.'<sup>220</sup>

Caroline had provided a vital supporting role to both the feminist and CDA repeal work of her husband, prior to which her strong friendship with Guiseppe Mazzini and later Guiseppe Garibaldi had had a profound influence on Stansfeld. After Caroline's death Stansfeld became a speaker for the political opposition when the Conservative minority Government took office in July 1885 and in October he made the first of a number of party political statements on behalf of the Liberals. 'The programme would be a marriage between forward intellectual thought and the needs and instincts of the people. The two together would supply

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<sup>219</sup> Letter *W.S. Caine to Henry J. Wilson*, 27<sup>th</sup> August, 1882, 3JBL/21/16, WL.

<sup>220</sup> Hammon & Hammond, *James Stansfeld*, p259.

an ample force for an inevitable and magnificent progress.<sup>221</sup> He further emphasised Local Government and Land Law Reform, claiming that the Liberals would provide decent homes for the population. In October 1865, Stansfeld referred to social and moral questions, admitting that he had spent much of his life on the long and laborious partial suspension of the CDAs.

These Acts of '66 and '69 were passed by a Liberal Government, and the blame and the shame and responsibility rests on them, on us. The Acts have outraged and revolted the sense of justice between women and men, the ideas of liberty and law, the moral and religious sense of community. More than sixteen years have elapsed since the last of those Acts was passed: the agitation against them has been unceasing, unwearingly persistent. They were partially suspended two years ago, but they were not repealed by the Liberal Party and they still endure upon the Statute book.<sup>222</sup>

This quotation shows, then, that whilst Stansfeld did not become fully active in the repeal movement until the early 1870s, he identified with, and therefore shouldered the 'blame and the shame' which his own Liberal party had embraced and had passed through the democratic process into law. There is a sense of perpetual attrition against the CDAs in this speech, a wearing down of the legislation but no victory in sight.

The Conservatives were out of power in February 1886 when, for a few months, the Liberals took office again. At this time two hundred and seventy members of the new Parliament pledged for repeal. Irish Home Rule was the dominant issue, but the repealers had a new ally in Henry Campbell-Bannerman who replaced Hartington as Secretary of War. Although he thought the CDAs did benefit the army, Campbell-Bannerman felt the cost too high and on 12th March 1886 he sent a circular to his colleagues: 'The CDAs should be repealed...we must go with James Stansfeld.. We must undertake to bring in a Bill. But the Government

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<sup>221</sup> James Stansfeld, "Liberal Programmes," *The Contemporary Review*, Vol 48 (October 1885), Ref: CR-2291, p571.

<sup>222</sup> James Stansfeld, "Liberal Programmes," p576.

should subsidise special hospitals on a voluntary system.<sup>223</sup> With a Minister for War holding such views it was not surprising that Stansfeld's next attempt to introduce a further bill for the repeal of the CDAs was finally passed and given the Royal Assent on 15 April 1886.

## **Conclusion**

This chapter has shown, then, that acknowledgement of Stansfeld is vitally important in any history of CDA repeal, for he brought to the cause not just his prestige as an ex-Cabinet minister, but as an eloquent speaker, a master of debate, and with an ability to hold his own with experts. Stansfeld was a powerful support in the political agitation on gender issues throughout the latter half of the nineteenth-century. His engagement with liberal politics was shaped by his Unitarian background, whose foundations were a strong belief in the ethical and moral reasoning of humankind, coupled with an emphasis on individual and community self-reliance, which encouraged liberal social action, individual freedom and natural rights. Within Parliament this translated into an ethos of public service and an altruistic regard for the common good, which was noticeably present in his forceful approach to the rights of women, be they prostitutes or doctors.

His early political acknowledgement of the need for female enfranchisement was realised in practical terms in his effort (although unsuccessful) to obtain an amendment to the 1867 Reform Bill to give identical voting rights to those of newly enfranchised men. In his support for female higher education, he used his position to employ the first female in a high civil service appointment, a measure which proved extremely unpopular. That Mrs. Nassau Senior

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<sup>223</sup> John Alfred Spender, *Life of Sir Henry Campbell-Bannerman*, Vol 1 (London: Hodder & Stoughton, 1923), p105.

became such a forceful member of a public body indicates not only his decision to employ a woman, but sound judgement of another human being.

By tracing Stansfeld's political coming of age and the religious and other influences that shaped it, then, this chapter has shown that he demonstrated moral judgement, political acumen and high passion in the all-encompassing battle for women's rights. It has also indicated a lack of prudence in the course he followed, well aware that his actions would inevitably result in the forfeiture of high office. The chapter makes considerable reference to the increasingly influential views of the medical profession in support of CDA regulation, countered by both Stansfeld and Josephine Butler who maintained a constant blitz on the moral issues of the CDAs, their stance reflecting their different, but complementary religious backgrounds. The combination of Butler's Christian belief in the rights of all women and Stansfeld's Unitarian sense of cogent reasoning, produced an extraordinarily powerful union, prominent throughout their campaign for rescindment of sexual legislation. This contextual knowledge helps understand Stansfeld's involvement in the repeal of the CDAs.

## Chapter Two

### James Stansfeld and the Campaign against the Regulation of Prostitution in India

With the repeal of the English Contagious Diseases Acts in 1886, attempts to control the spread of venereal disease through both verbal and physical interrogation of women suspected of prostitution were abandoned in Britain. The hope of abolitionists was that repeal at home would be followed by rescindment in those parts of the British Empire where CDAs remained in place. This chapter turns attention to the control of venereal disease in India. It focuses on the period between 1886 and 1893, and seeks to clarify the relationship between the Government of India (GOI) and the House of Commons, between whom control over the validity of the Acts oscillated. This relationship culminated in two major parliamentary engagements on this issue, an 1888 Motion for the repeal of the Indian Contagious Diseases Acts (ICDA) and a Select Committee of Enquiry in 1893, which officially repealed sexual control of the indigenous Indian female population by both civilian and military authorities.

The chapter considers the extent to which the debates about India provide further insight into British assumptions about female sexuality and their regulation towards the end of the nineteenth-century. In mapping the debates which took place in the House of Commons about control of venereal disease in India, the chapter will examine the different strategies developed by Parliament to manage the spread of VD and assess its impact. Postcolonial feminist scholar Anne McClintock, in a different context, in *Imperial Leather: Race, Gender & Sexuality in the Colonial Context* (1995), has famously shown that ‘sexuality as a trope for

other power relations was certainly an abiding aspect of imperial power.’<sup>224</sup> More specifically, as historian Philippa Levine has so convincingly argued the ‘sexual servicing of British troops by local women was politically central to the perceived stability and maintenance of British rule in India.’<sup>225</sup> Historian Heather Streets in turn, in a recent study of *Military, Race and Masculinity in British Imperial Culture* (2004) suggests that Indian officials, themselves demonstrating a patriarchal legacy, felt ‘particularly threatened by feminist zeal for repeal, linking it to Irish and Indian nationalists.’<sup>226</sup> The debates about CDAs in India were thus overtly linked to both patriarchal and imperial power.

The chapter will pay attention to the role of James Stansfeld within debates about sexual regulation in India, exploring further how they unfolded within Britain. (What was happening on the ground in India itself will be discussed in Chapter Four.) In so doing, it will consider the extent to which these debates reveal a more general anti-feminist hostility amongst government and military officials as well as broader anxieties about colonial rule.

### **Government of India (GOI)**

Regulation of prostitution between the British soldier and the indigenous Indian woman was openly supported by the GOI and neither they nor the British military authorities concurred in repealing jurisprudence in Britain. A long controversy followed; for both James Stansfeld and Josephine Butler were much concerned not only about ICDA, but also about the implications of the Indian Cantonment Act (ICA), which made clear that legislation was now the vital

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<sup>224</sup> Anne McClintock, *Imperial Leather: Race, Gender & Sexuality in the Colonial Context* (London: Routledge, 1995), p14.

<sup>225</sup> Philippa Levine, Rereading the 1890s: “Venereal Disease as ‘Constitutional Crisis’ in Britain and British India,” *The Journal of Asian Studies* 55, No. 3 (August 1996), p589.

<sup>226</sup> Heather Streets, *Martial Races: The Military, Race and Masculinity in British Imperial Culture, 1857-1914* (Manchester: Manchester University Press, 2004), p183.



issue. In summing up the anticipated effects of the ICA, Stansfeld himself commented that ‘within the walls of a Lock Hospital, she, the prostitute, may be kept prisoner there for an indefinite time and submitted to a personal examination under the same compulsion.’<sup>227</sup> And so it proved. The ICA gave the British military unparalleled power over the control of Indian prostitute women within the cantonment. However, after personal reports from the missionary and publisher Alfred Dyer had promoted further questioning, the GOI was left with little choice other than to comply with the Parliamentary Motion of 1888 in which repeal in India had been passed unanimously. There is a sense here that the debates about the regulation of sexuality were also associated with particular concerns about British rule in India.

Josephine Butler herself was out of action for most of 1886, advising friends early in the year that she was in a ‘very shaky condition, and so is my husband George.’<sup>228</sup> They travelled to Cannes and beyond in February, and were both struck by a ‘malarial fever’ in the Spring of 1886, and did not return to England for several months.<sup>229</sup> However, by the end of the year, Butler was in further correspondence with her friends, the Priestman sisters, and in a letter of Christmas Eve, talked about India, and a new campaign which, as Butler’s biographer Jane Jordan tells us, was ‘conceived entirely by her.’<sup>230</sup> Together with Stansfeld, Butler was anxious that the Ladies National Association should continue its existence as a distinctly women’s society with a determination to ‘avenge the wrongs of our sister women in India and other countries.’<sup>231</sup> Butler was insistent on holding on to a political organisation

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<sup>227</sup> Letter *James Stansfeld to Lord Cross*, 14<sup>th</sup> February, 1890, L/MIL/7/1/13831, OIOC.

<sup>228</sup> Letter *Josephine Butler to the Miss Priestmans*, 3JBL/25/03, 4<sup>th</sup> February, 1886, WL.

<sup>229</sup> Letter *Josephine Butler to George Butler*, 26<sup>th</sup> March, 1886, 3JBL/25/10 and to the *Miss Priestmans*, 2<sup>nd</sup> May, 1886, 3JBL/25/19, WL.

<sup>230</sup> Jane Jordan, *Josephine Butler*, (London: John Murray, 2001), p240.

<sup>231</sup> Letter *Josephine Butler and James Stuart to Mary Priestman*, 29<sup>th</sup> December, 1886, 3JBL/25/52, WL.

specifically for women. One might think that the social inequality of women in England would continue to provide sufficient *raison d'être* for the LNA's continued existence, but according to Butler's own words in *Our Indian Fellow Subjects* (1887), 'the enslavement imposed on Indian women by the soul-and-body murdering system of C.D. ordinances fastened them down in slavery, doubled their chains, stamped them with a greater degradation than had ever been known before.'<sup>232</sup> In other words, for Butler there was something distinct about what she considered enslavement for Indian women. The euphemism of 'sisterhood' was here extended to a notion of global womanhood.

Levine suggests that 'although prostitution was not the only area in which colonial governments tried to intervene in social and sexual practices, it was amongst the most thoroughly managed of such policies,' and completely predicated on an assumption of genetic immorality in non-white societies.<sup>233</sup> An alternative theory as to why Butler turned toward the Empire can be extrapolated from historian Bernard Porter who argues in *The Absent-Minded Imperialists* (2004) that whilst in the early and mid-nineteenth century most classes in Britain had little sympathetic contact with the Empire, from the 1870s this widespread indifference underwent a marked change, driven by the entry of other European nations in competition with Britain over colonial expansion, which resulted in both nationalism and patriotism, i.e. a new emphatic concern with colonial subjects.<sup>234</sup>

However, this new concern was not necessarily translated into action within India; although the legislation would suggest otherwise, as this chapter will argue, despite vigorous denial by

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<sup>232</sup> Josephine Butler, "Our Indian Fellow Subjects," (1887), *Victorian Imperialism, Colonialism and Gender, Norton Anthology of English Literature* (2010-2012).

<sup>233</sup> Philippa Levine, *Prostitution, Race & Politics* (London: Routledge, 2003), p7.

<sup>234</sup> Bernard Porter, *The Absent-Minded Imperialists* (Oxford: Oxford University Press, 2004), p164.

the GOI to the contrary, their efforts to enforce the Commons Bill of 1888 were scant in the extreme. The control of prostitution through the hegemony of both the British military and the GOI was the collective will of many in authority, something that can be best demonstrated by clarifying the decision-making process which led to the continuance of practices pronounced illegal by the 1888 Act. The argument is further predicated on the evidence that British military authorities continued to inflict invasive medical examinations upon Indian women under their jurisdiction in total contravention of the 1888 legislation. Josephine Butler described this examination by speculum as ‘the central and necessary incident in the whole system,’ and this intrusive procedure was one of her core arguments against CDA regulation.<sup>235</sup> It was only the unceasing efforts of James Stansfeld and his fellow repealers that forced the procrastinating Secretary of State for India, (SSI), Lord Kimberley, in office 1892-94, to order the formation of a Committee of Enquiry in 1893, which was dedicated to discussion of the 1888 legislation.

The formation of the 1893 Committee was the result of long-standing debate. Although CDAs remained operative in various sites of the British Empire, by 1887 it was clear that the spread of VD in India was seen to be the greatest problem, because it had the largest military contingent of around 60,000 men. Jordan describes the India Office (IO) ‘as Parliament’s representative with its own Secretary of State for India. All laws governing India were made by the Viceroy, as head of the IO and his Council, together with the SSI all of whom were very reluctant to repeal the CDAS as they operated in India.’<sup>236</sup>

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<sup>235</sup> Josephine Butler, *Present Aspect of the Abolitionist Cause in Relation to British India*, (London: Pewtress, 1893), p17.

<sup>236</sup> Jane Jordan, *Josephine Butler*, p240.

However, the British Government did have the constitutional power to interfere with Indian affairs, as the 1907 *Imperial Gazetteer of India* confirms. ‘Parliament is supreme over India: the general constitution of the Government both in India and Britain has been regulated by an Act of Parliament and the function of the Governor General (now called the Viceroy) is based on statutory enactments.’<sup>237</sup> Parliament therefore, and most importantly, had the constitutional right to insist on repeal. Although, following the successful British repeal of 1886, James Stansfeld transferred parliamentary leadership of the campaign to James Stuart, Professor of Applied Mechanics at Cambridge and a long-time supporter of repeal, he nevertheless became drawn into the long and tedious conflict to obtain repeal of the Indian CDA.

### **History, Colonial Rule and the Woman Question in India**

Until recently, neither military nor political histories of the period have explored the ramifications of Indian prostitution and venereal disease extensively. However, one of the main political texts, *The India Office, 1880-1910* (1986), written by Southeast Asian historian Arnold Kaminsky, does make some reference to sexual legislation. Concentrating on the period for most of which Sir Arthur Godley was the Permanent Under-Secretary of State for India in the IO, Kaminsky provides a detailed account of the IO, which despite its lack of detailed ICDA citation is a useful critical analysis of this governmental department. The IO was established in 1858 when the East India Company was abolished and Crown rule was established and I argue that it is a vital link in our understanding of the relationship between Parliament and its representative, the Viceroy of India. The IO was a bureaucratic and conservative institution. The Council of India (from which two of the pertinent witnesses in

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<sup>237</sup> *Imperial Gazetteer of India*, Vol. iv, (Oxford: Clarendon Press, 1907), pp39-40, NAND.

the 1893 Enquiry originated), was a small group of retired members of the Indian Civil Service appointed to advise the SSI on any problems developing in the IO and played a crucial role in all debates. Once appointed, they could not be dismissed and this gave them a certain freedom from the limitations of domestic politics. The Council itself was in favour of legislation, taking the line of military efficiency superseding the moral prerogative.

Therefore, and unusually, however, when SSI Lord Cross ordered the GOI to comply with the 1888 Commons resolution for the repeal of sexual regulation, he was overruling the Council's obduracy regarding the ICDAs. In contrast to the usual depiction of the GOI 'as a powerful autocracy', however, military historian Tony Heathcote suggests that it remained, 'firmly accountable, in the final analysis, to the elected British Parliament.'<sup>238</sup>

According to Kaminski, the IO took the politic view of giving the public appearance of conforming to Parliament – 'even when steps were being taken to subvert full implementation of directions from home.'<sup>239</sup> Aside from this intervention, the IO seems to have answered in perfunctory fashion to Parliament which, during the period under examination, appears to have been content to allow it to function with minimal supervision.

Indicative of the wider disregard of matters of sexuality, a further central text, Archie Hunter's *A life of Sir John Eldon Gorst*,<sup>240</sup> makes no mention of sexual regulation in India. In his analysis of the important role of this parliamentary under-secretary at the IO, Hunter suggests that Gorst's time at the IO coincided with a fairly peaceful period on the sub-continent, confirming this with a quote from the outgoing Viceroy, Lord Dufferin to his

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<sup>238</sup> T.A. Heathcote, *The Indian Army: The Garrison of British Imperial India, 1822-1922* (Newton Abbott: David & Charles, 1974), p16.

<sup>239</sup> Arnold Kaminski, *The India Office*, p201

<sup>240</sup> Archie Hunter, *A Life of Sir John Eldon Gorst: Disraeli's awkward disciple*, (London: Frank Cass, 2001).

successor in 1888: ‘There is not a cloud in the sky.’<sup>241</sup> Hunter refers to Arthur Godley (later Lord Kilbracken’s) analysis of Gorst as one of the ablest Conservatives, although his talents were under-used at the IO. Hunter’s analysis of the IO concurs with that of Kaminsky, for Gorst was evidently allowed to do pretty much as he liked and although he worked hard, ‘he was a dark horse with many undisclosed interests and undertakings which occupied probably nine tenths of his time.’<sup>242</sup> Hunter is illuminating about the awkwardness of the man as a stalwart, if independent, Conservative, not a true party man, even when in office, but his résumé of his time at the India Office relates purely to the ambiance and his relationships with the two incumbent Viceroyes during his tenure.

Postcolonial and feminist interventions have substantially added to our understanding of the role of sexuality in a colonial context. In her sociological analysis *Race, Ethnicity and Sexuality* (2003)<sup>243</sup> Joane Nagel asserts that sexual relations in the colonies between Europeans and local peoples shaped colonial societies around the world. That taking a more global approach to colonial history can aid understanding has been shown by Regenia Gagnier, who has argued that such a perspective can deepen understanding of the differences between the European and Indian liberals, for ‘liberalism in India developed under conditions of exploitation and humiliation’ not least in the Indian liberal response to the ICDA’s.<sup>244</sup> This view is also foregrounded by Philippa Levine in *Prostitution, Race and Politics* (1994) which explores four colonial sites of VD, including India. Levine argues that ICDA’s were more than merely a system of maintaining the health of British troops but that they sought to

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<sup>241</sup> Penderel Moon, *The British Conquest and Dominion of India* (London: Duckworth, 1989), p892.

<sup>242</sup> Archie Hunter, *A Life of Sir John Eldon Gorst*, p188.

<sup>243</sup> Joane Nagel, *Race, Ethnicity and Sexuality: Intimate Intersections, Forbidden Frontiers* (Oxford: Oxford University Press, 2003).

<sup>244</sup> Regenia Gagnier, “Victorian studies, world literatures & globalisation”, *Critical Quarterly*, Vol. 55, Issue 1, (April 2013), p1.

control sexual disorder amongst colonised peoples, laying bare the racial ideology of colonial policy. She demonstrates how British soldiers were portrayed as passive victims of indigenous lust, and that sexually transmitted diseases impinged on high politics and imperial adventure. But within her analysis of ICDA law and the challenges to it, her exploration is limited to a Western elite and the voices of the prostitute and her paying customers are silent. A further text by Levine, *Venereal Disease, Prostitution and the Politics of Empire: The Case of British India* (1994) adds another dimension in setting down the relevant details of the Cantonment Act (ICA, Act XXII of 1864) and the ICDA (Act XIV of 1868) and showing how Indian women were subject to far greater control than those at home. This difference is important in our understanding of the racial issues that underpinned the legislation, for as Levine demonstrates, the perception that British prostitutes were capable of reforming contrasts strongly with the perception of Indian prostitutes: ‘the view that prostitution was a hereditary caste profession sat comfortably with general theories about the morals of the ‘Orient’.’<sup>245</sup>

It is worth noting that Josephine Butler herself portrayed Indian women as objects of other people’s activities rather than the subject of their own lives, and in the process silenced them. While from a twenty-first century point of view this position appears clearly racist, it was not an uncommon strategy for Victorian feminists to align themselves with other women across the world even while objectifying them. Butler’s construction of Indian women was predicated on the ‘sister’ analogy throughout her Indian campaign, the evidence pointing to identification with the indigenous rather than a racially dividing discourse. Contrary to the general colonial view, neither Butler nor James Stansfeld give the impression that they considered Indian women insensible to ethics or genetically conditioned by a negation of

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<sup>245</sup> Philippa Levine, “Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India,” *Journal of the History of Sexuality*, vol.4, no.4 (1994), p586.

Western value systems, and their efforts seem, on the contrary, to be based on the premise that redemption was unquestionably the goal of a moral crusade.

### **The Debates around the introduction of the ICDA's**

It is useful to survey the changing political situation of Indian governance under British rule in the mid nineteenth century to establish some of the main issues at stake in the introduction of the ICDA's in India. This history shows that the discussion in India was similar to that concerning Britain in the respect of the army's health being promoted as a priority over all other factors, but it differed in its racialised assumptions about the hereditary degeneracy of the Indian subject. The British view was dominated by a typical colonial gaze which perceived the colonial subject in distinctly gendered ways: Indian women were, as Joane Nagel has argued, seen as 'seductive, sensual and exotic, whilst Indian men were seen as undersexed, passive, feminine and deferential.'<sup>246</sup> It is no surprise therefore, that it was Indian female sexuality in particular which came under scrutiny.

Contagious disease regulation in India mirrored some of the British debates albeit with distinct inflections. The targets of the first CDA regulation in Britain, in 1864, were two groups within the urban poor, female prostitutes and lower army ranks. As Frank Mort describes them in *Dangerous Sexualities* (2000), they introduced a 'coercive form of medico-legal regulation of prostitutes, together with an intensified system of police surveillance.'<sup>247</sup> At the same time a Cantonment Act (Act XXII of 1864) (CA) was introduced in India, which organised the sex trade within military cantonments, according to Levine, as 'part of a

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<sup>246</sup> Joane Nagel, *Race, Ethnicity and Sexuality*, p152.

<sup>247</sup> Frank Mort, *Dangerous Sexualities* (London: Routledge, 2000), p59.



broader regulation of commercial activity within the military towns,<sup>248</sup> quite different to that in Britain.

Four years later, the Indian Contagious Diseases Act (Act XIV, 1868) (ICDA) was formulated on the need to ensure that prostitutes remained healthy. This Act could be applied to different places by notification of the local government with the permission of the Viceroy, who was the Queen's representative in India, and *de facto* head of state. The Act made provision for the regulation of brothel keepers and prostitutes, compulsory medical examination and detention in a special hospital when diseased. It applied to all the British presidencies of Bombay, Madras and Calcutta. Historian Douglas Peers shows that even before direct rule had been established there were a number of lock hospitals, specifically opened to treat venereally affected prostitute women under a system of regulation. Seen by the military 'as a unique solution to the problem of VD, they were however closed in 1833,<sup>249</sup> having come under attack from the Governor General (later Viceroy).

Thus the ICDA and ICA were elaborate measures formulated not only for the regulation of prostitutes but for brothel-keepers and procurers as well. The debate about increased levels of constraint within the ICDA as compared to Britain is widened by Indian feminist Ashwini Tambe, who suggests in her analysis of law enforcement within the colonial sex industry, *Codes of Misconduct* (2009), that there was an 'inevitability of state coercion in the British approach to prostitution in India, be it regulation as in public health action or criminalisation that emerged out of trafficking or abolitionist measures.<sup>250</sup>

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<sup>248</sup> Philippa Levine, "Venereal Disease, Prostitution and the Politics of Empire", p581.

<sup>249</sup> Douglas Peers, "Soldiers, Surgeons and the Campaigns to Combat Sexually Transmitted Diseases in Colonial India, 1805-1860", *Medical History*, 42, (1998), p139.

<sup>250</sup> Ashwini Tambe, *Codes of Misconduct: Regulating Prostitution in Late Colonial Bomba*, (Minneapolis, MN: University of Minnesota Press, 2009).

A further key difference between British and Indian CDAs was that in India the law needed to be translated into a range of different vernaculars, allowing its readers and then us to trace the different ways in which it was disseminated. In her analysis of Indian prostitution, *The Queen's Daughters: Prostitutes as an outcast group in Colonial India* (1992), Islamic historian, Ratnabali Chatterjee tells us that 'a guidebook for prostitutes in Bengali shows how the women were instructed to fill out forms and how brothel-keepers and pimps were brought in as subsidiaries within policing measures.'<sup>251</sup> These measures related to the notion of 'population', the colonial state anxious after the 1857 Mutiny that an uncontained population could again rebel. Chatterjee continues: 'recording of not only sanctioned but unsanctioned sexual activities of its subjects allowed the colonial state an entrenched political position.'<sup>252</sup>

In 1870, when the ICDA had been in force for two years, a quarrel arose between the Government of Bombay and the city's Municipal Corporation which had been funding the regulation. The Corporation's refusal to continue bearing the financial weight of the ICDA meant that in Bombay it lapsed. As Jordan reports, the ICDA was reinstated in 1880, although the Municipality still refused financial support. The local Government therefore obtained the funds by deducting a sufficient sum from the annual grant they gave towards policing the city. The Municipality protested and in so doing introduced the first important attack on the system of regulation in India.<sup>253</sup>

This attack on the ICDA was however, an economic rather than a moral onslaught.

Following a similar fiscal conviction was the current Viceroy, the liberal Lord Ripon, who

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<sup>251</sup> Ratnabali Chatterjee, *Queen's Daughters: Prostitutes as an outcast group in Colonial India* (Bergen: Chr. Michelson Institute, 1992), p20.

<sup>252</sup> Ratnabali Chatterjee, *Queen's Daughters*, p20

<sup>253</sup> Jane Jordan, *Josephine Butler*, p240.

served in India from 1880-1884. Although on the one hand responsible for repressive measures such as the Vernacular Press Act, which censored newspapers written in Indian languages, he was on the other opposed to sexual regulation, not as Stansfeld was, on a purely moral stance, but in stating that it went far beyond English law and more pragmatically, in questioning the high cost of keeping lock hospitals open.<sup>254</sup> He thus seized the opportunity to support the Bombay Municipal Corporation. He followed this with his despatch of 16<sup>th</sup> June 1882 to the then Secretary of State for India, Lord Hartington (1880-1882) in which he argued for total repeal of the CDA ‘especially so in India, where owing to native habits and other special conditions, all attempt at such interference is beset with peculiar difficulties, and involves a constant risk of oppression and injustice...the time has come to abandon a measure which has never been a complete success.’<sup>255</sup> Hartington, although a Liberal, had championed the CDAs in England, (see Chapter Three), and did not welcome this plea for repeal. Replying to the Viceroy on 26 October that year he urged him to study the recently published Report of the House of Commons Select Committee on the Acts with its arguments for regulation. Hartington concluded his reply, ‘I am unwilling therefore at present to assent to the repeal of Act XIV of 1868.’<sup>256</sup> Hartington’s refusal to repeal can be better understood in the light of his belief, as suggested in the *ODNB*, ‘that a firm administration of the law was the prerequisite to peace and stability.’<sup>257</sup> Lord Kimberley succeeded Hartington as SSI in late 1882 and the Act was however, suspended in Calcutta in March 1883, whilst remaining in force in Madras and Bombay.

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<sup>254</sup> Philippa Levine, *Prostitution, Race & Politics*, p48.

<sup>255</sup> *Copy of, or Extracts from, Correspondence between the Government of India and the Secretary of State in Council upon the Subject of the CONTAGIOUS DISEASES ACTS and their Repeal*, 16<sup>th</sup> June, 1882, p64, OIOC, L/E/7/3 and reprinted in HC, SP (2000).

<sup>256</sup> *Copy of, or Extracts from, Correspondence*, p64

<sup>257</sup> *Oxford Dictionary of National Biography*, 2<sup>nd</sup>. Edition, s.v. William Cavendish, seventh duke of Devonshire.

## The Ilbert Bill and the India Office

1883 saw a storm breaking in England over the introduction of the Ilbert Bill which encouraged judicial proceedings to be carried out under Indian as well as British control. Introduced by Lord Ripon, who was still Viceroy, this Bill proposed an amendment of existing laws to allow Indian judges and magistrates the jurisdiction to try British offenders in criminal cases at the District level. Courtenay Ilbert, legal adviser to the Council of India, proposed it as a compromise between two already existing bills. The propaganda that Indian judges could not be trusted to deal appropriately with cases which involved English felons, particularly English females, merely ratcheted up the already considerable support in Britain against the Bill. This in turn, fed into the machinery of racial endorsement. When it was finally enacted in 1884, as the Criminal Procedure Code Amendment Act, it was in a severely compromised and hypocritical form. It stymied any further discussion of sexual regulation, for this Bill was so unpopular with Europeans that it became impossible to proceed further with another measure concerning VD legislation.

For Indians themselves as Mrinalini Sinha has argued, ‘the true significance of colonial masculinity in the Ilbert Bill was precisely in rearticulating traditional racial and gender hierarchies to preserve imperial interests.’<sup>258</sup> This is a critical point for it reinforces that the policing of masculinity was a key to discourses of Empire. Ripon was succeeded as Viceroy by Lord Cross at the end of 1884, but not until repeal was passed in England in 1886 did Indian regulation come up again for consideration.

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<sup>258</sup> Mrinalini Sinha, *Colonial Masculinity: The ‘Manly’ Englishman and the ‘Effeminate’ Bengali in the Late Nineteenth-century* (Manchester: Manchester University Press, 1995), pp31-35.

After the 1886 repeal in Britain the National Association was dissolved as the objectives for which it had been founded had been achieved. This weakened the British branch of the British Committee of the Continental & General Federation for the Abolition of Government Regulation of Vice, (BGF), although the Ladies National Association (LNA) continued with wider objectives reaching out to the opposition of regulation in the Empire. For James Stansfeld, too, the regulation of VD was not a closed concern. The Minutes of the meeting of the BGF in December 1889 record Stansfeld asking to convene a meeting of repealers on 10 December that year at the house of Percy Bunting, who was editor of the *Contemporary Review*, a newspaper promoting independent opinion on topical issues. Eventually the British Branch, with help from former members of other repeal associations, formed a new body which in 1890 called itself the British Committee for the Abolition of the State Regulation of Vice, in India and throughout the British Dominions (BVI).<sup>259</sup> This Committee, under Stansfeld's leadership, took no action for a time other than collecting a good deal of information; Stansfeld then presented this anthology to the Viceroy, Lord Dufferin in a long series of protests.

Debates about Repeal in India were regenerated in 1887 when the Liberal MP James Stuart obtained in Parliament a return of the legislation currently still in force in India. Stuart had originally been invited by Josephine Butler to join her *North of England Council for Promoting the Higher Education of Women* and had worked with Stansfeld on this project. In 1875 he was elected the first professor of applied mechanics at Cambridge. Standing as a Liberal, he was elected for Hackney in 1884 and represented Hoxton from 1885 until 1900. According to the *ODNB*, 'he continued his association with Josephine Butler by assisting in the campaign for the repeal of the CDAs and ICDA's, and was a vigorous advocate of female

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<sup>259</sup> *3BVI Appendix 3.1*, August 2007, WL

suffrage.<sup>260</sup> Working as a junior partner with Stansfeld, he did not play a significant part until promoted by Stansfeld during the 1893 Enquiry.

The Conservatives were now in power with Lord Cross as Secretary of State for India (1886-1892) and Sir John Gorst still serving as Under Secretary. Lord Cross came to the IO having served as Home Secretary in two Conservative governments, and although considered by some politicians ‘as fastidious as an old codger,’<sup>261</sup> he was popular for a number of factory, sanitation and licensing Acts. From his later comments, Arthur Godley, the Permanent Under-Secretary for India, implied that Lord Cross appeared to rely heavily on the official machinery of the IO to get things done. With this change in government one might have expected the Conservatives to have strengthened support for sexual legislation and the Liberal party to have continued their opposition. However much that may have been the case amongst the rank and file in the House of Commons, the Nonconformist Liberals were by the 1880s becoming more positive toward the practicalities of state intervention, as suggested in Chapter One, and Lord Cross proved to be a surprising asset to the repealers and considerably more astute than Godley has suggested. Although deeply Conservative, at a Council of India meeting in May 1888, Cross overruled a majority decision to retain the Indian CDA, knowing that opposition remained widespread and that almost certain defeat on the issue would mean the repeal of not only the ICDA but also the ICA. However, Lord Cross straddled both sides of the House in that, having mollified Liberal opposition, he privately advised his Viceroy, Lord Dufferin that ‘you may easily keep the same restraining power without having this appearance even of licensing.’<sup>262</sup>

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<sup>260</sup> *Oxford Dictionary of National Biography*, 2nd. Edition, s.v., James Stuart.

<sup>261</sup> Arnold Kaminsky, *The India Office 1880-1900* (London: Mansell Publishing, 1986), p68.

<sup>262</sup> Letter *Lord Cross to Dufferin*, 11th May 1888, OIOC, Mss. Eur. F.130/12, f. 25.

## Godley and the India Office

The functioning of the IO is critical in this enquiry into venereal control on the sub- continent for it was unique among departments of the British Government in that it was funded mainly from Indian revenues. Intimately involved in the formation of India and imperial policy throughout its existence, it worked behind the scenes, forming a nexus between the British political, bureaucratic and commercial reality and the GOI. George Francis, Lord Hamilton, described the IO as a:

miniature Government in itself. There is not a branch of administration or Executive work connected with the big Government which is not represented inside the Office, and the great bulk of questions that comes from the Government are not trivial or prosaic details of administration, but questions either of importance, or matters upon which there is a difference of opinion, or controversy, or connected with change or reforms.<sup>263</sup>

A brief analysis of the permanent under-secretary of state for India throughout the relevant chronological period reveals that the India Office provided some continuity in politically changing times. Headed by the Secretary of State for India and supported by a Council of India and under-secretary, its most stable civil servant was Arthur Godley, later first Lord Kilbracken. A brilliant scholar at Oxford, Godley joined Gladstone's Liberal government in 1872 as third secretary. He rapidly became part of the Prime Minister's coterie of liberally minded officials and returned with him in his government of 1880 as his principal private secretary. The Gladstone's were family friends, and when, in 1883, at the invitation of Lord Kimberley, he became permanent under-secretary for India, Godley was not surprised when his appointment was attacked by several conservative newspapers and in the Commons as 'a job of Gladstone's'.<sup>264</sup> He dominated the IO, which was virtually his own creation, until

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<sup>263</sup> George Francis, Lord Hamilton, *Parliamentary Reminiscences and Reflections 1868-1885* (London: John Murray, 1917), p68.

<sup>264</sup> Lord Kilbracken, *Parliamentary Reminiscences* (London: Macmillan & Co., 1931), p156.

1909, acting as the long-term memory for several cabinet ministers serving as Secretary of State for India (SSI), aiding them in their relations with both the Foreign and War Offices. Godley held firmly to the Whitehall view that ‘all civil servants must be prepared to cooperate in measures of which they disapproved.’<sup>265</sup> The IO’s relatively static position is well documented in Godley’s own reaction to the news when in March 1894, the then SSI, Lord Kimberly, overruled a unanimous Council decision. In reporting this in a letter to Lord Elgin, then Viceroy, Godley stated that ‘in the previous thirty years, the SSI had acted thus only six times.’<sup>266</sup> Kaminsky argues that the IO established a dominance over the Viceroys who were never ‘as independent or autocratic’ as often appeared.<sup>267</sup> My research confirms that as the Viceroy’s appointment was made along party lines, the candidate having little or no direct experience of Indian conditions, his authority, as Kaminsky suggests, was likely to be undermined by the ‘old hands’ of the IO. Military historian Byron Farwell confirms this, advising that: ‘by 1865 the independence and the power of the Viceroy was eroded’ and that five years later the SSI controlled the Viceroy completely.’<sup>268</sup>

Godley served under twenty successive administrations, and seven SSIs, effectively in charge of all elements of the IO, liaising between the SSI, the Council and the GOI, the relationship between these more or less independent powers involving numerous complications and frictions. In describing the constitution of the IO as a ‘peculiar one,’<sup>269</sup> Godly admitted difficulty in mastering the intricacies of the IO which seems indicative of the failure of the system itself. Given the unusual convention which allowed for the sovereignty of India to

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<sup>265</sup> Letter *Godley to H. Babington-Smith*, Private Secretary to Viceroy, 25<sup>th</sup> January 1895, OIOC, Mss. Eur. F84/30a.

<sup>266</sup> Letter *Godley to Lord Elgin*, 2<sup>nd</sup> March, 1894, OIOC, Mss. Eur. F84/29a.

<sup>267</sup> Arnold Kaminsky, *The India Office, 1880-1910*, p151.

<sup>268</sup> Byron Farwell, *Armies of the Raj: From the Great Indian Mutiny to Independence: 1858-1947* (London: Viking, 1989), p17.

<sup>269</sup> Lord Kilbracken, *Parliamentary Reminiscences*, p160.



rest in the British Parliament, Godley went to considerable trouble to tone down any controversy and even interest in Indian affairs, one must assume in order to maintain uncontroversial British rule. He certainly had an enormous influence in shaping British policy in India. Ann Stoler suggests in *Making Empire Respectable* (1990) that ‘with a sustained European presence in India, sexual prescription by class, race and gender became increasingly central to the politics of rule,’<sup>270</sup> and Godley certainly played a key role in this process. The politics of rule was further assisted through the emergence of Social Darwinism, which simplified the process of ranking, suggesting that there need be only one criterion, that of military force. Thus for the British authorities in India, according to Francis Hutchins’ essay on the ideology of the durability of the Raj, *The Illusion of Permanence* (1967), the society which could ‘muster the military strength to defeat another or to proscribe the rule of law was assumed to have demonstrated its superiority as a civilisation’<sup>271</sup> and this assumption underpinned the strategy of the ICDA. Until Stansfeld’s political interjection into the validity of the ICDA, the IO appears to have been quite self-determining with but a nod to Parliament.

### **Military Department Report on Sexual Regulation**

On 9<sup>th</sup> July 1887 Lord Cross sent a telegram to the Viceroy, Lord Dufferin, condemning the system of Indian sexual regulation and asking for a full report from the Military Department. Dufferin, also a Liberal, had succeeded Ripon in 1884, but as a career diplomat took a different approach. Whereas Ripon had been popular with Indians themselves, the Anglo-

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<sup>270</sup> Ann Stoler, “Making Empire Respectable: The Politics of Race and Sexual Morality in 20<sup>th</sup> Century Colonial Culture”, in *Imperial Monkey Business: Racial Supremacy in Social Darwinist Theory and Colonial Practice*, ed. by Jan Breman (Amsterdam: Vu University Press, 1990), p37.

<sup>271</sup> Francis G. Hutchins, *The Illusion of Permanence: British Imperialism in India* (Princeton, NJ: Princeton University Press, 1967), p125.

Indians had resented his rapid and extensive reforms. Dufferin knew he needed the support of both communities. Despite repeated requests, no answer was received from the Viceroy, from which one could infer that the GOI took the matter less seriously than did the English Parliament. On 24<sup>th</sup> January 1888, six months after the original telegram, the GOI finally responded, seemingly more intent on reassuring Lord Cross than carrying out his orders or answering his questions. Their rejoinder, which included the phrase, ‘some of the existing arrangements are open to objection,’ did not reach England until March 1888, eight months after Lord Cross’s July telegram and resulted in his demanding further information.<sup>272</sup> The Government’s situation became untenable when it was apparent that although Parliament was kept in official darkness, news came in from unofficial quarters, from Alfred Dyer for example. Dyer was the publisher and journalist who had worked closely with Butler in exposing the traffic of English girls to Belgium and was now doing similar work in India, and Stansfeld’s publicising of his reports prompted an unending stream of questions in Parliament in the spring of 1888. Jane Jordan tells us that Stuart proposed to sound out Lord Cross and the Hon. Edward Stanhope, Secretaries for India and the Colonies respectively so that either he or Stansfeld could then ask the House how long it would be before repeal was granted in India.<sup>273</sup> Jordan suggests that Butler felt this would open the discussion more fully in the House of Commons, and achieve her long sought aim of ‘horrifying our good MPs.’<sup>274</sup>

The final blow to the GOI’s policy of slow prevarication was dealt when a private communication from the Quartermaster General in India, Major-General E. Chapman, was intercepted by Dyer and sent to Stuart in London. The debates took a fresh turn with the publication of this ‘Infamous Memorandum’ as it became known, which had been issued two

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<sup>272</sup> *Parliamentary Report on Prostitution and Treatment of Venereal Disease in India*, L/MIL/7/13850, OIOC.

<sup>273</sup> Jane Jordan, *Josephine Butler*, p241.

<sup>274</sup> Letter *Josephine Butler to the Misses Priestmans*, 4<sup>th</sup> January, 1887, 3JBL/26/01, WL

years prior on 17 June 1886. In it Chapman had advised General Officers commanding divisions, on behalf of the Viceroy, that more stringent measures should be taken to cope with venereal diseases and contained the following statement. 'It is necessary that recruiting sergeants scour the country in search of young and attractive women and that the government pay three rupees for every girl brought in.'<sup>275</sup> This Memo was not, of course, a public document, but certainly indicated that the practices carried out were in full sway and apparently openly encouraged by the Commander in Chief, Lord Roberts. Roberts consistently denied the accusation until, with irrefutable evidence to the contrary, he was forced to acknowledge the continuing regulation when called as a witness to the Select Committee of Enquiry in 1893.<sup>276</sup>

Roberts was personally damaged by both denial and acknowledgement, linked by Butler with the 'evil tempters of innocent soldiers' virtue.'<sup>277</sup> Dyer's disclosure strengthened the conviction that the Government's situation had become indefensible as it made apparent that although Parliament was kept in official darkness, news about VD decision making came in from unofficial quarters.

### **Stansfeld's impact on the 'Indian debates**

Stansfeld provided a key bridge between the political, publishing and philanthropic parties that had a stake in VD regulation in India. On 9<sup>th</sup> July 1887, the Bishop of Lichfield had already prepared the way with questions in the House of Lords as to the existence of official

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<sup>275</sup> *Circular by Josephine Butler*, Winchester, 11th March, 1888, WL

<sup>276</sup> *Select Committee of Enquiry* (London: Eyre & Spottiswoode, 1893), pxxvi, para 53.

<sup>277</sup> Antoinette Burton, *Burdens of History: British Feminists, Indian Women and Imperial Culture, 1865-1915* (Chapel Hill, NC: University of North Carolina Press, 1994), p135.

regulations for the provision of prostitutes in regimental bazaars.<sup>278</sup> Stansfeld followed this up through his working relationship with Alfred Dyer, publishing his reports to force Parliamentary debate about VD in India. In the spring of 1888, with political decision-making stalling, Stansfeld formed a special British Committee of the International Federation to focus entirely on Indian regulation, collecting enormous amounts of information from investigators such as Dyer and his wife Helen. Dyer was a shrewd journalist, and not only did he forward to Butler and Stansfeld details of the ‘Chapman Memorandum’, but he also published a series of exposés in *The Black Hand of Authority in India* (1888). Complete with maps claiming to show how close was the proximity of the barracks to the prostitutes quarters (*chaklas*), Dyer reported that ‘at Deolali where the English soldier lads are taken direct on their arrival in India, my heart was deeply stirred as I stood on the border of this large camp and beheld, planted within a stone’s throw of the school of the Church Missionaries, the official quarters of the licensed prostitutes.’<sup>279</sup> In March 1888, the *Sentinel* published a further article by Dyer from Bareilly, where he described the camp of the 2<sup>nd</sup> battalion, the East Kent Regiment, as having ‘a temperance tent in an obscure corner, and Government harlot tents separated from troop tents only by a public thoroughfare.’<sup>280</sup> Armed with Dyer’s reports, Stansfeld saw an opportunity to ‘nail’ the GOI and the military authorities in India, and on 15 May 1888 attacked John Gorst in the Commons asking ‘whether or not he is now prepared to make the statement he promised as to the recent correspondence with the GOI on the subjects of the ICDAs?’<sup>281</sup> The *Pall Mall Gazette* reported Gorst’s reply:

What was known as the ‘regimental system’ has been absolutely stopped. The Commander in Chief has prohibited women accompanying regiments on the march or in camp and also from residing in regimental bazaars.

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<sup>278</sup> Kenneth Ballhatchet, *Race, Sex and Class under the Raj*, p57; Philippa Levine, *Prostitution, Race and Politics*, p97.

<sup>279</sup> Alfred Stace Dyer, *The Black Hand of Authority in India* (London: Dyer Brothers, 1888), p3.

<sup>280</sup> Alfred Stace Dyer, 14<sup>th</sup> January, 1888, published in *The Sentinel*, March 1888.

<sup>281</sup> James Stansfeld, *Hansard*, HC Deb, 14<sup>th</sup> May 1888, Vol. 326, 207.

Administration of the CDAs in Bombay and Madras has been suspended under the GOI who are now engaged in a revision of the regulations made for the spread of contagious diseases in cantonments under Section 27 of Act III of 1880.<sup>282</sup>

The underlying message here allowed of no admittance of a lack of morality on the part of the Indian authorities; it merely and cleverly acknowledged that the voices of the repealers had been heard and action had been taken accordingly. Stansfeld's inference of negligence by the SSI, the Viceroy and the GOI was thus swiftly rebutted by Gorst who emphasised that there had been a full and complete compliance with repealers' requests. In Parliament on 17 May 1888, James Stuart asked Gorst whether the GOI had taken any measures to secure the repeal of the Indian CDAs, in addition to temporarily suspending its operation. He further asked whether the Government had made representation to the GOI to that effect and whether or not the Government was prepared to force the GOI to repeal the provisions in the Cantonment Acts which allowed local government to legislate on the control of brothels and on compulsive examination of prostitutes. Gorst advised that 'the Government have no intention of interfering - nor have they the power to interfere - with the discretion of that Body in making, repealing, or amending laws.'<sup>283</sup> James Stuart sought clarification asking 'whether the House was to understand that the Government, whilst condemning certain regulations as immoral and ordering their removal, were unwilling to remove the legislation which authorised them, and sometimes, encouraged them.'<sup>284</sup> Sir John replied that 'it would be unbecoming of the Government to interfere with a body in India which they had entrusted with making and amending that country's laws.'<sup>285</sup> He was much influenced by the Council of India, the members of which were the constitutional advisors to the SSI. Unlike Cross and his Cabinet whose primary interest was in parliamentary politics, the India Council was

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<sup>282</sup> *Pall Mall Gazette*, 15<sup>th</sup> May, 1888; Issue 7226.

<sup>283</sup> *Hansard*, HC Deb 17<sup>th</sup> May 1888 Vol. 326, cc542.

<sup>284</sup> *Hansard* HC Deb 17<sup>th</sup> May 1888 Vol. 326, cc542.

<sup>285</sup> *Hansard* HC Deb 17<sup>th</sup> May 1888, Vol. 326, cc542.

concerned with the effects of the repeal of the ICDA and revision of the CA upon the British Army in India itself.

On that same day, 17<sup>th</sup> May, 1888, Stansfeld again put pressure on Gorst asking if: ‘the Hon. Gentleman means to assure the House that in the history of the relations of Her Majesty’s Government with the GOI there are no precedents of advice or counsel being given by the SSI to GO?’<sup>286</sup> And again Gorst deflected the question, demanding notice of such a question of precedent. Stansfeld then himself gave notice that on 5<sup>th</sup> June, the MP for Crewe, Walter McLaren had obtained first place for a Notice of Motion: a Motion in favour of the repeal of the ICDA’s, or ‘those portions of them which authorize or encourage either the compulsory examination of women or the regulation of prostitution, and on that occasion he will undoubtedly endeavour to obtain a decision from the House.’<sup>287</sup>

On 5<sup>th</sup> June 1888 McClaren offered his Resolution: ‘That, in the opinion of this House, any mere suspension of measures for the compulsory examination of women and for licensing and regulating prostitution in India is insufficient, and the legislation which enjoins, authorises, or permits such measures ought to be repealed.’<sup>288</sup>

On behalf of the BGF, and in particular its’ chair, Stansfeld, McLaren’s demand was simple: ‘It was for the total and immediate repeal of every vestige of the CDA and of the CAs in India and that any compromise was entirely repudiated’<sup>289</sup> McLaren described the whole system in India as a licensing of vice and regretted that he was compelled to bring before the House such horrible and revolting details. He referred to the ‘Infamous Memorandum’ of

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<sup>286</sup> *Hansard*, HC Deb 17<sup>th</sup> May, 1888, Vol. 326, cc544.

<sup>287</sup> *Hansard*, HC Deb 17<sup>th</sup> May, 1888, Vol. 326, cc544.

<sup>288</sup> *Hansard*, HC Deb 5<sup>th</sup> June, 1888, Vol. 326, cc1187.

<sup>289</sup> *Hansard*, HC Deb 5<sup>th</sup> June, 1888, Vol. 326, cc1187.

Major-General Chapman, which suggested immorality should be licensed and that prostitution was a normal condition of the human race, pointing out that it had been disowned by the SSI, Viscount Cross. Although the whole religious community, including Army chaplains, were against the Act, the Government's priority had been to protect the health and efficiency of British garrisons, and argued that it had in fact been proven that such Acts had a contrary effect. Protesting that vice had increased under the Act, McClaren condemned it as a total failure, the remedy being apparently greater enforcement. He referred to the return of the thirteenth annual report of the working of the Lock Hospitals in Northwest Province and Oudh for the year ending 31 December 1886. He asked why, if Viscount Cross had said 'there was in future to be no compulsory system', were the Acts still on the Statute Book. For if Viscount Cross decided he would not tolerate any regulation which gave the appearance of encouraging vice, surely the Government felt compelled to abolish the Acts.

The 'high ground of morality and the inherent wickedness of the Acts' were cited by McClaren as other grounds for his Motion.<sup>290</sup> He admitted that even had the Acts completely eradicated disease, he would have remained opposed to them for what was morally wrong could not be politically and physically right. (This statement provides the crux of the argument, referred to at a later stage). He invoked the Commons' pity for Indian women, describing them as valuable as the daughter of any MP, thereby reinforcing the words of Butler a year earlier in her article '*Our Indian Fellow Subjects*' (1887). McClaren then made an emotional appeal to the women of England to denounce the ICDA's and to continue rattling cages. To save the government from further agitation he suggested that 'this accursed

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<sup>290</sup> *Hansard* HC Deb, 5<sup>th</sup> June, 1888, Vol. 326, cc 1187-216.

system, the foulest that had ever been brought to the House of Commons, might finally be swept away.<sup>291</sup>

Sir John Gorst highlighted what he interpreted as three quite separate points within this motion; the regimental system, the question of the India CDAs and the CAs. He reminded the House of parliamentary procedure, advising that the GOI was not conducted by the British government but in India itself. The GOI was not, therefore, responsible to the House in the same way as was the home government. The House could only act on the GOI through the Secretary of State who was responsible to the House, but only in controlling the acts of the GOI in the manner prescribed by Statute. Parliament had created an Indian Legislature and that Legislature alone held the power of making laws and regulations in India.

The main thrust of Stansfeld's interrogation of Gorst concerned whether or not military and civic authorities in India had indeed responded to Parliament's edict, but having listened to Gorst's further prevarications, Stansfeld turned his attention to the constitution and the relationship between the varying governing bodies concerned with Indian affairs. He courteously (or sardonically) agreed with Gorst that the GOI should be treated with respect, but emphasised unequivocally the point that not even he (Gorst) could dispute the fact that Parliament *did* have the power to legislate over the head of that body and to direct the action of the Viceroy and his Council. That this was a central concern for Stansfeld is corroborated and intensified by the administrative analysis of the *Imperial Gazetteer of India* (1907) in which it was clearly stated that 'the GOI is a subordinate government having powers derived from and limited by Acts of Parliament.'<sup>292</sup> The only issue for Stansfeld at that time was the manner in which the power of the House should be brought to bear and he had no doubt that

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<sup>291</sup> *Hansard*, HC Deb, 5<sup>th</sup> June, 1888, Vol. 326, cc 1187-216.

<sup>292</sup> *Imperial Gazetteer of India*, Vol. iv, pp39-40, NAND.



the GOI would bring their legislation in to accord with the view of the House. Hansard continued its report:

He [Stansfeld] desired to express his acknowledgements to Her Majesty's Government for the manner in which they had met the Resolution, and that was especially gratifying to him because the subject under discussion that evening he regarded as only the continuation and corollary of a long and painful struggle in which he had borne a laborious part. He had never desired to make it a Party question, and as some time ago the House repealed the Contagious Diseases Act, *nemine contradicente*, he hoped it would now with similar unanimity adopt the Resolution of his Hon. Friend.<sup>293</sup>

That Stansfeld, unusually amongst his fellow MPs, had always put policy above party was not in doubt, and this speech served to corroborate his stance. Although more Liberals than Conservatives supported anti-CDA agitation, Stansfeld's enduring commitment ensured that the controversy cut across party lines. From the earliest days of his support for the repeal of both English and then Indian CDAs, Stansfeld had made it very clear that party politics were outside his arena. His driving force was his Unitarian upbringing in which the humanitarian background precluded political jockeying on social issues. This approach is exemplified in his decision to step out of place in party politics, in obedience to his conscience, in order to devote himself to a difficult and unpopular cause.

The House proceeded to vote and the Motion was passed. In July 1888 the Viceroy issued explicit instructions to the GOI ordering the end to any practices which involved the licensing or registration of prostitutes or the compulsory examination of woman in cantonments.

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<sup>293</sup> *Hansard*, HC Deb 5<sup>th</sup> June 1888, Vol. 326, cc1187-1216.

## Reception and Response to the 1888 Motion

The reception by a large number of MPs, the GOI and the military authorities in India, together with their response to the abrogation of all compulsory legislation in India, was predictable; within the House, Conservative MPs were of the opinion that, ‘given the alarming increase in VD it was inexpedient to repeal the ICDA.’<sup>294</sup> In semi-opposition, Henry Smith Wright (Conservative), whilst agreeing that the British Government could no longer condone the licensing of vice, suggested that the ‘GOI take the initiative, which he was confident of their so doing.’<sup>295</sup> The Association for Moral & Social Hygiene took, as anticipated, the opposite view, citing many issues of concern, in particular the recurring trope, ‘what is morally unsound can never be physically beneficial.’<sup>296</sup>

While her own health and that of her husband prevented personal travel to India, Josephine Butler set up her own penny-paper partly to aid the campaign over India. The first issue of *The Dawn* was published on 1<sup>st</sup> May 1888, continuing almost quarterly for eight years, its editorial demonstrating colonial examples of what Jane Caplan identifies in *Sexology in Culture* (1998) as the ‘highly interventionist systems of police and sanitary registration and inspection represented by the ICDA.’<sup>297</sup> Butler’s continued work also received wider attention: for example, one week prior to McLaren’s Commons Motion, the *Birmingham Daily News* reported from a meeting of the LNA for the Abolition of State Regulation of Vice, at which Josephine Butler presided. That this provincial paper with no prior history of

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<sup>294</sup> *Hansard* HC Deb, 5<sup>th</sup> June, 1888, Vol. 326, 1192.

<sup>295</sup> *Hansard* HC Deb, 5<sup>th</sup> June, 1888, Vol. 326, 1207-1208.

<sup>296</sup> *Record of the Association for Moral & Social Hygiene*, “Reasons for Support of Motion” by Mr. W. McClaren,” 5<sup>th</sup> June, 1888, 3AMS/O/113, WL.

<sup>297</sup> Jane Caplan, “‘Educating the Eye’: The Tattooed Prostitute”, in *Sexology in Culture: Labelling Bodies and Desires*, ed. by Lucy Bland and Laura Doan (Oxford: Blackwell Press, 1998), p101.

CDA opinion should have supported the campaign with the following editorial indicates that the debates were moving toward a wider public. Butler quoted Stansfeld: ‘The IO has lately made itself to stink in the nostrils of every honest man and woman, by depths of corruption which are greater than anything I have found in the course of my political history.’<sup>298</sup> This statement corresponds to descriptions of melodrama in Peter Brooks’ *Melodramatic Imagination* (1976) in which the author suggests that the ‘dramaturgy of excess and overstatement corresponds to and evokes confrontations and choices that are of heightened importance, because in them we put our lives on the line.’<sup>299</sup>

The LNA were continuing their campaign against the subjection of native women and Butler had already written to the Commander-in-Chief, General Sir Frederick Sleigh Roberts in May 1888 asking whether or not the Acts had been rescinded. Roberts replied that conditions for soldiers in India were far more difficult than at home and that their health was paramount. ‘Prostitution is a trade amongst the natives which is practised all over India; shame, in a European sense, does not attach to it. Mothers bring up their daughters to the vocation they have followed themselves.’<sup>300</sup> Roberts’ acceptance of the status quo amongst the prostitute community indicates his racial assumptions of Indian degeneracy. Butler was furious and printed this response in *The Dawn*, together with her further communication to the effect that rebellion from trampling on womanhood of a subject race might well lead to a second Indian Mutiny.

Throughout the period immediately following the carrying of McClaren’s motion, he himself, Stansfeld and Stuart continued to parry with Sir John Gorst in the House. *Hansard* reports

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<sup>298</sup> *Birmingham Daily News*, 30<sup>th</sup> May, 1888; Issue 9337.

<sup>299</sup> Peter Brooks, *The Melodramatic Imagination* (London: Yale University Press, 1976), p. ix.

<sup>300</sup> *The Dawn*, 1<sup>st</sup> August, 1888, No. 2, p. 17, quoted in Jane Jordan, *Josephine Butler*, p. 244.

Stansfeld asking the USSI whether ‘he can now state if the CDA has actually been suspended in Bombay, Madras and Bassein, and what the reason has been for the long delay in carrying out the Orders of the GOI for its suspension?’<sup>301</sup> Gorst swiftly responded to the effect that orders for the suspension had been issued on 19<sup>th</sup> May but that suspension in Bombay had not occurred until 30<sup>th</sup> June and that the GOI was making enquiries into the delay. On 24<sup>th</sup> July 1888, Gorst advised that he had received not any reply to this enquiry and repeated this again on 9<sup>th</sup> August.<sup>302</sup>

Lord Cross, Conservative SSI then took steps to ensure this resolution was effected and on 15 October 1888, the GOI advised him that: ‘The Indian CDAs have been repealed [...] all compulsory examination of women, all registration of women and granting of licences to practice prostitution, have been put a stop to[...].’<sup>303</sup>

The GOI further advised that instructions to this effect had been sent to the Quarter-Master-General and all local Indian governments. The draft rules were passed as the Cantonment Act 1889 (XIII) and came into force in July 1890, the Viceroy proclaiming that the Act provided for ‘the prevention of the spread of infectious and contagious disorders within a cantonment and to appointment of and regulations of hospitals or other places within or without a cantonments for the reception and treatment of persons suffering from any disease.’<sup>304</sup> On 4<sup>th</sup> July 1890 the Viceroy published certain rules under the new Act providing for the creation of general hospitals for all diseases, to be called Cantonment Hospitals. According to Jane Jordan, this ‘new’ Act ‘permitted the reintroduction of every

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<sup>301</sup> *Hansard*, HC Deb 10<sup>th</sup> July, 1888, Vol. 328, c876.

<sup>302</sup> *Hansard*, HC Deb 9<sup>th</sup> August, 1888, Vol. 330, c101.

<sup>303</sup> *Select Committee of Enquiry*, p150, Ref 3798-I.

<sup>304</sup> *Departmental Enquiry on the prevalence of VD among the British Troops in India*, No. 1, 1897 (London: Eyre and Spottiswoode, 1897), p29.

single measure provided for the prevention, containment and cure of syphilis under the original Acts.<sup>305</sup>

Stansfeld and Stuart protested to Lord Cross that the new rules were almost identical to the regulations banned by the House of Commons. In February 1890 Stansfeld wrote to Lord Cross: 'It would appear that the old regulations which have been condemned, and which have been understood to have been suspended, are set up again, as if they had been published under this Act.'<sup>306</sup> On behalf of Lord Cross, Gorst advised that their fears were unfounded and that he preferred to trust the GOI unless there was 'some solid ground' for suspecting otherwise.<sup>307</sup> Josephine Butler's reaction to this further refusal to seriously control Indian legislation on the ground gave rise to an editorial in *The Dawn*, entitled 'A Call to Battle' in which she likened the battle to a 'war against military oppression, materialism in high places and vested interests of a kind which will not bear looking into.'<sup>308</sup>

Despite its being finally carried unanimously in the House, McLaren's motion encountered considerable opposition in various letters sent to the press during the remainder of 1888. Newspapers from across the UK took up the issue. The *Western Mail*, for example, in defence of regulation, unlike the *Birmingham News*, printed a letter from a correspondent in mid-June suggesting that: 'the question is not whether public prostitution is morally wrong [...] but whether lewd women who by choice become public prostitutes, are to be permitted [...] to disseminate a virulent and repulsive disease; that is the choice. Acts of Parliament

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<sup>305</sup> Jane Jordan, *Josephine Butler*, p245.

<sup>306</sup> Letter *Stansfeld to Cross*, 14<sup>th</sup> February, 1890, L/MIL/7/13831, OIOC.

<sup>307</sup> Letter Gorst to Stansfeld and Stewart, 6<sup>th</sup> March, 1890, quoted in Kenneth Ballhatchet, *Race, Sex and Class under the Raj*, p65.

<sup>308</sup> Josephine Butler, "A Call to Battle", *The Dawn*, 1st April, 1890, No. 8, p2.

guard our Army by regularising and minimising the evil.<sup>309</sup> Founded by the Marquess of Bute and intended to be conservative in its orientation, *The Mail's* support for legislation is unsurprising, but as one of Wales' foremost newspapers of the period, it cannot be ignored. In a similar vein, John Gorst's letter to the Viceroy at the end of 1888 both derided 'Professor Stuart and his fanatical friends' and supported the independence of the GOI which, he strongly resented, 'had to submit to the dictation of the House of Commons.'<sup>310</sup> Gorst's response was yet another indication of the highly prized self-governing nature of the GOI, which so obviously resented Parliamentary interference of any kind.

The 'grounds' demanded by Lord Cross soon looked solid enough; the Hammonds reported that 'information from unofficial quarters showed that the old system was not so much creeping in as marching in.'<sup>311</sup> In January 1890, for example, *The Sentinel* published an article by Maurice Gregory, who was a British Quaker based in Bombay, describing a visit to a camp at Lucknow where he had witnessed 'hideous scenes of licentiousness' among the British soldiers.<sup>312</sup> In 1896, Gregory recalled the horrendous effect of the ICDA on local prostitutes in *The Growing Crime of Christendom*, published incidentally by Dyer Brothers, as 'thousands of women fled to Bassein and neighbouring places with an estimated 3000 women dispersed over the countryside starving and dying.'<sup>313</sup> Armed with numerous similar reports, in February 1890 Stansfeld approached the SSI charging that the proposed rules:

may be used to set up again a system of compulsory examination of prostitutes and to regulate and license within the cantonment the calling of those prostitutes who submit to medical examination: and to certify and license

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<sup>309</sup> *Western Mail*, 13 June, 1888, Issue 5952.

<sup>310</sup> Letter John Gorst to Lord Lansdowne, India Office, 23<sup>rd</sup> November, 1888, quoted in Thomas Wodehouse Leigh, Lord Newton, *Lord Lansdowne: A biography* (London: Macmillan, 1929), pp60-61.

<sup>311</sup> Hammond & Hammond, *James Stansfeld*, p270.

<sup>312</sup> Maurice Gregory, *The Sentinel*, January 1890.

<sup>313</sup> Maurice Gregory, *The Growing Crime of Christendom*, (London: Dyers Brothers, 1896), p17.

those who are pronounced to be physically fit.<sup>314</sup>

In response John Gorst parried, confirming that the new CA treated both infectious and contagious diseases alike and that the SSI continued to support the GOI's testimony that they were complying with his requests. Aware that indulging both the SSI and GOI in this stance would deny the repealers further ammunition, Stansfeld maintained his attack with questions in the House throughout 1890.

### **British Committee for Abolition of the State Regulation of Vice in India (BVI)**

The debates continued then as their focus and name changed. In 1890, the BGF, focusing specifically on the lack of progress on Indian repeal, changed its name to the British Committee for Abolition of the State Regulation of Vice in India (BVI). As Chairman of the BVI, Stansfeld continued to agitate for the repeal of the ICDA and ICA and during 1891 he encouraged a number of organisations involved in CDA repeal to continue to accuse the GOI of continuing the practices outlawed. From the Minutes of the BVI for March 1891, it was resolved to enlarge the British Committee by inviting members of other repeal Associations 'so as prosecute such enquiries in India as to ascertain and prove what is actually being done there.'<sup>315</sup> Stansfeld and Stuart, on 14th April 1891, pointed out to the IO the ways in which the Government had already failed to conform to the Resolution. A damning report in the summer in *The Medical Record*, a Scots publication, supported their argument.

The modifications of the old CDA have been framed by some 'old' Parliamentary hand. Their phraseology is the work of a master of arts and in the art of making the thing look as unlike itself as it can well be. We freely admit the need for sanitary legislation that protects humanity, but utterly condemn any disguised power that adds security to vice, endangers

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<sup>314</sup> Letter *Stansfeld to Lord Cross*, 4<sup>th</sup> February, 1890, Secretary of State's Report, 1893, para 15.

<sup>315</sup> 3BVI Box 080, 2/HJW/A/6/1-19, WL.

the liberty and besmears the innocence of a helpless section of our race.<sup>316</sup>

In contrast, many amongst the medical community, particularly those working in India itself, suggested that ‘the problem of VD in the army was now ‘almost beyond human control’, and ‘almost without remedy.’<sup>317</sup> In vehemently supporting the re-introduction of legislation, William Moore, Surgeon General with the GOI suggested in 1888 that in questioning soldiers on their previous history, ‘how often it is found that the first link of the chain dragging them to the grave is syphilis.’<sup>318</sup> This inflammatory example demonstrates the way power and governance were constructed and maintained through the debates about sexuality and colonial rule.

At the end of 1891 and in the early part of 1892, the new Viceroy, Lord Dufferin was in receipt of a number of protests from the General Assembly of the Free Church in Scotland to which he responded by ordering an enquiry. The Scottish allegations were totally denied by the Commander-in-Chief, Lord Roberts, but the Viceroy was unconvinced and a new Circular Memorandum was issued on 11<sup>th</sup> July, 1892, specifically ‘forbidding the residence of prostitutes in regimental bazaars, or their special registration or examination.’<sup>319</sup>

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<sup>316</sup> *The Medical Record: a Journal of the Allied Sciences of Medicine, Surgery, Obstetrics and Sanitation*, Library of the Royal College of Physicians and Surgeons of Glasgow, Vol. 39, pp157-158.

<sup>317</sup> David Arnold, *Colonizing the Body: State Medicine and Epidemic Disease in Nineteenth-Century India* (London: University of California Press, 1993), p87.

<sup>318</sup> *Memorandum* by William Moore, Surgeon General, Home (Sanitary), June 1888, Nos. 102-29, (Part A)

<sup>319</sup> Circular Memorandum for Quatermaster-General, No. 20 (Simla, 11<sup>th</sup> July, 1892, *Select Committee*, 1893, Appendix 11, p200.



## Women as Witnesses

Josephine Butler had in effect, handed over this new Indian crusade to Stansfeld and Stuart but she remained a significant force. Although confident in the reports being returned from India by the various repealers on the ground, it became clear that it was far harder to elicit sympathy in England for totally unknown women thousands of miles distant than for ‘the fallen’ at home. This issue prompted Butler, with the support of Stansfeld, to press for a female delegation to be funded and sent out to India. Enid Moberly Bell describes the emissary Butler sought as definitely female so as to ‘be able to penetrate the secrets of the bazaar and make contact with the prostitutes themselves.’<sup>320</sup>

In March 1891, therefore, whilst in Switzerland, an address written by Butler for the London branch of the LNA and delivered by Mrs Eva McClaren, (the wife of the MP who had proposed the 1888 motion), called for women to come forward to lead the Indian campaign.<sup>321</sup> Butler followed this up at the LNA annual meeting in May which she did attend, stressing the need for younger women to come forward and take over the movement, particularly in view of her emphasis on travel to India itself. Her insistence that a woman was needed, that only a woman with the necessary tact, courage and determination to discover the truth could succeed, reflected her earliest days of campaigning against the British CDAs twenty years before. Neither Butler nor Stansfeld could think of a suitable candidate until provenance provided the ideal solution in the shape of two American missionaries, members of the Women’s World Christian Temperance Union (WCTU). This organisation’s journal testifies to the ladies being in London on a round-the-world tour on

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<sup>320</sup> Enid Moberly Bell, *Josephine Butler*, p228.

<sup>321</sup> Letter *Josephine Butler to Mrs. Tanner and Mary Priestman*, 9<sup>th</sup> March, 1891, *JBC*, WL.

behalf of their organisation. The report of January 1891 states: ‘Kate Bushnell and Elizabeth Andrew are on their trip to circumnavigate the globe in the interests of Social Purity.’<sup>322</sup>

Founded in Cleveland, Ohio in 1874, the WCTU was originally concerned with the promotion of nationwide temperance and the eventual adoption of prohibition within the United States. When Frances Willard became president in 1879 the organisation moved to Evanston, Illinois and broadened its interests to the moral reform of prostitutes, prison reform and female suffrage on a more international canvas. Josephine Butler was the WCTU Superintendent of their Social Purity work and it was through this connection that the missionaries came to the attention of James Stansfeld.

The two missionaries were Dr. Katherine Bushnell, one of the earliest women doctors, and Mrs. Elizabeth Andrew. Dr. Bushnell specialised in nerve disorders, graduating from Chicago Women’s Medical College in 1879; Mrs. Andrew was the widow of a Methodist minister. Butler’s insistence on a female emissary indicates how she and Stansfeld began to give increasing importance to questions of gender. A female investigator, delving into a specifically male dominated military arena several thousand miles away, unthinkable at the time, would literally cross boundaries, national as well as gendered ones.

Only six years previously, response to W.T. Stead’s investigative journalism on British prostitution, culminating in his *Maiden Tribute of Modern Babylon*, would have received considerably less prominence if conceived by a female author; partly, of course, because of his position on the *Pall Mall Gazette*, a position certainly not held by a female journalist in 1885. Neither Butler nor Stansfeld can have been unaware of the development over the

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<sup>322</sup> *Union Signal*, 15<sup>th</sup> January, 1891, Roll 7, p1, FWMLA.

course of the nineteenth century of a more scientific approach to prostitution from the original moral stance. As such, since science was entirely controlled, authorised and interpreted through the masculine voice, the gendering of the discourses followed this medicalisation of sexual policy. Whilst employing female ‘detectives’ to infiltrate and assess the activities of Indian prostitutes and their customers cannot have been universally welcomed by all the repealers, this suggested mission was evidently popular, for on 9<sup>th</sup> July 1891 the BVI Minutes reported that Stansfeld and Stuart had interviewed the lady doctor and her friend and ‘consider them highly adaptable for the work.’<sup>323</sup> They travelled first to the Cape and arrived in India in winter 1892. A full narrative of the Americans’ findings will be explored in Chapter Four. Suffice it to state here that they visited ten cantonments, their evidence confirming the continuing compulsory examination and regulation of female prostitutes by both British military and civil authorities throughout the country.

By the middle of November Stansfeld was reporting to the BVI committee, the details of the arrangements he had made with Bushnell and Andrew, who had undertaken the mission of enquiry in India on their behalf, confirming their likely arrival in Calcutta by Christmas and clarifying for his colleagues their funding through the Committee.<sup>324</sup> They spent three months in India, but did not return to England immediately. They travelled on to Australia in the spring of 1892, having sent back to Stansfeld an abstract of their evidence. At a meeting of the BVI on 6<sup>th</sup> May, 1892 the Minutes recorded the discussion of their valuable report and this encouraged Stansfeld to push for ‘Parliamentary action early next year, to move in the House of Commons for a Committee of Enquiry as to the manner in which the Resolution of the House re: the CDA in India has been carried out and that our lady friends should be there

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<sup>323</sup> *3BVI Box FL080, 3/HJW/A/6/1-19, WL.*

<sup>324</sup> *3BVI Box FL080, 3/HJW/A/6/1-19, WL.*

at that time as witnesses.<sup>325</sup> Stansfeld wrote to them asking them to be in England soon after 1<sup>st</sup> March 1893. Stansfeld was again urging for a Parliamentary Committee at the end of October 1892, anxious perhaps about the tenure of the current Government and keen, with the evidence to hand, to prevent any postponement.<sup>326</sup>

The Committee members felt it was desirable to obtain corroborating evidence and a Mr. John Hyslop Bell was approached. The choice of a male investigator indicates Stansfeld's concern regarding the anticipated response to a female directive when it came to giving evidence before Parliament. Despite his personal regard for Butler, or perhaps because of it, Stansfeld certainly understood the credo undermining the notion of woman as carrying insufficient authority. A Gladstonian Liberal, Hyslop Bell was the former owner of *The Northern Echo* newspaper and had employed W.T. Stead as its editor. He was now charged with examining how far 'military and government authorities in India have truly complied with recent parliamentary reversal of legislation touching what is known as "the policy of the ICDA"'.<sup>327</sup> He followed Bushnell and Andrew to India in November 1892 and reported back by February 1893 that compulsory examination and registration continued apace and that the military view remained that repeal of the ICDA would be disastrous to the health of the Indian Army. A biography of Hyslop Bell and his report will also be addressed in Chapter Four with those of Bushnell and Andrew, this trio being the vital witnesses in the Committee of Enquiry demanded by Stansfeld. The discoveries of all three were summed up in *A Statement of Facts* drawn up and presented to the India Office and the Government early in 1893 by Stansfeld and Stuart.<sup>328</sup> Their allegations that, despite repeal, practices associated

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<sup>325</sup> 3BVI Box FL080, 3/HJW/A/6/1-19, WL.

<sup>326</sup> 3BVI Box FL080, 3/HJW/A/6/1-19, WL.

<sup>327</sup> 3BVI Box FL078A, 3/HJW/FO5, WL.

<sup>328</sup> James Stansfeld and James Stuart, *A Statement of Facts*, (London: Pewtress & Co, 1893).

with the CDA were continuing unabated, set in motion the 1893 Department Committee of Enquiry to ascertain the validity of these accusations.

On 16<sup>th</sup> Feb 1893, at a BVI meeting, Stansfeld suggested obtaining the services of a lawyer to marshal their evidence before making the final application for a Parliamentary Committee, recommending a Mr. Casserly, Q.C., as particularly suitable. The committee agreed that Stansfeld should contact him as to the legal preparation of their case, although James Stuart warned against antagonising the GOI in its wording.

There had been a change of Government in August 1892, Gladstone winning for the Liberals for a fourth time, but with a much reduced majority. Lord Cross had been succeeded by Lord Kimberley as Secretary of State for India (1892-1894). Although serving under a Liberal manifesto, Kimberley's politics differed little from the jingoism of his predecessor's Conservative pro-Empire stance. Arnold Kaminsky argues that Kimberley was able to 'maintain a cautious and well-conceived modus operandi in dealing with Council of India, and rarely ignored the Council as a result.'<sup>329</sup> However, he privately found the Council to be out of sympathy with the policy of a Liberal government, under little legal restraint and to possess little of the traditional loyalty of the civil service. Writing to Lord Ripon as early in his Indian career as October 1883, he stated, 'they are men of high and honourable character and do not mean to be disloyal, and this makes it the more difficult to make them understand that with the best intentions they may do harm.'<sup>330</sup> When he became SSI within the India department he remained thorough and determined in his pro-CD policy, and as the *ODNB*

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<sup>329</sup> Arnold Kaminsky, *The India Office*, p65.

<sup>330</sup> John Wodehouse, Earl of Kimberley, *Liberal by Principle: The politics of John Wodehouse*, ed. by John Powell, (London: Historian's Press. 1996), p167.

asserts ‘virtually unassailable.’<sup>331</sup> Two of his letters bear particular scrutiny within this enquiry, the first written to Lord Ripon in 1892, the subject being women’s suffrage. ‘The vote in the House of Commons about women’s suffrage caused a little excitement and I suppose that disappointed women will do us some harm in the elections. Harm or not, I am utterly opposed to women’s suffrage and am heartily glad Mr. G. spoke out against it.’<sup>332</sup>

Kimberley was Gladstone’s man. Gladstone’s views on female suffrage may be deduced from a letter he wrote in 1892 to Samuel Smith, MP in which he opposed female enfranchisement not out of ‘fear that women would encroach upon the power of men,’ but he did fear, ‘lest we unwittingly invite her to trespass the purity, delicacy and elevation of her own nature.’<sup>333</sup> Although Gladstone’s own daughter Helen became principle of Newnham College, Cambridge, his biographer, Philip Magnus reports that he made it clear on a visit to All Soul’s Oxford in 1890 that ‘to him personally, the invasion of the university by women students was profoundly distasteful.’<sup>334</sup>

Kimberley’s anti-feminist stance speaks clearly to his position on VD in two letters written to the then Viceroy, Lord Lansdowne on 30<sup>th</sup> March and 17<sup>th</sup> June 1893, the latter whilst Stansfeld’s Committee of Enquiry was in session. The first grudgingly accepted that he, (Kimberley) had no choice but to give way to Stansfeld in appointing a Departmental Committee. In confirming the vigour of Stansfeld’s claims Kimberley admitted: ‘we had really no alternative.’<sup>335</sup> His subsequent memoir accuses ‘the misguided agitators’ of

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<sup>331</sup> *Oxford Dictionary of National Biography*, 2<sup>nd</sup>. Edition, s.v., John Wodehouse, 1st Earl of Kimberley.

<sup>332</sup> John Wodehouse, *Liberal by Principle*, p200.

<sup>333</sup> *Before the Vote was Won: Arguments For and Against Women’s Suffrage*, ed. by J. Lewis, (London: Routledge & Kegan Paul, 1987), p433.

<sup>334</sup> Philip Magnus, *Gladstone: A Biography*, (London: John Murray, 1954), p383.

<sup>335</sup> Letter *Kimberley to Lansdowne*, 30<sup>th</sup> March, 1893, Mss. Eur. D.558/6, A16, OIOC.

immorality and holds them responsible for VD infection in India, where British soldiers' 'inevitable intercourse with women' must be addressed.<sup>336</sup>

It is manifestly evident from this crucial piece of misogyny that Kimberley opposed both the advancement of women politically and the repeal of sexual regulation, setting himself against James Stansfeld and his committee of repealers. These letters also provide a succinct précis of the combined authorial viewpoint of the SSI, the IO and its Council, as will be borne out during the following analysis of the Committee of Enquiry.

The official collation of evidence requested by Stansfeld and drawn up by Mr. Casserly was presented to Lord Kimberly by 15th March, and the BVI minutes of 23<sup>rd</sup> March report that Kimberly's response was to stall further, suggesting he put their case to his Council in order to obtain a response from the GOI. Stansfeld stated that the effect of this, if not the intention, would be to postpone the enquiry which was unacceptable. He had already approached the Cabinet advising that unless the Committee's demand for a Committee of Enquiry was granted they would appeal direct to the Commons.

Kimberley, anticipating this full parliamentary committee, which in these circumstances might prove unmanageable, was sufficiently shrewd to control this situation by deflecting a full committee investigation and substituting it with his own in-house departmental committee. Thus, the new Government, after pressure from the BVI, appointed in April 1893, a 'Departmental Committee to enquire how far the Rules, Regulations and Practice in the Cantonments accorded with the Resolution of the House Commons of 5<sup>th</sup> June, 1888.'<sup>337</sup>

On 7<sup>th</sup> April Stansfeld read out to the Committee of the BVI a letter from Gladstone: 'My

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<sup>336</sup> John Wodehouse, *Liberal by Principle*, p209.

<sup>337</sup> Hammond & Hammond, *James Stansfeld*, p272.

dear Stansfeld, I am very glad to think that in this important matter of the CD arrangements in India you have virtually come in sight of the goal. As to the expedition of the business so as to dispose of it during the present session we are entirely of your mind.’<sup>338</sup> This missive is unsurprising, for ten years previously Gladstone had given Government support for Stansfeld’s 1883 Resolution condemning the CDAs and had indeed suspended them that year. In his Gladstone biography, Magnus suggests that ‘Gladstone felt very strongly about the question of licensed brothels but left the Resolution to be drafted and introduced by James Stansfeld’ The Resolution was carried but not converted into law for a further three years when the CDAs were repealed, ‘without debate to Gladstone’s heartfelt satisfaction.’<sup>339</sup>

### **1893 Select Committee of Enquiry**

The debate took a decisive turn with the formation of the Select Committee of Enquiry in the spring of 1893. The stated purpose of the Committee, which began sitting on 11<sup>th</sup> April, was ‘to enquire into the Rules, Regulations and Practice in the Indian Cantonments and elsewhere in India, with regard to Prostitutes and the treatment of Venereal Disease, in order to ascertain and report how far they accord with the Resolution of the House of Commons on 5<sup>th</sup> June, 1888.’<sup>340</sup>

The Committee was chaired by George Russell and included two old India hands representing the Council of India, Sir Donald Stewart and Sir James Peile and two MPs, Stansfeld himself and another nonconformist Henry Joseph Wilson. Bushnell and Andrew set the scene clearly in their later report, *The Queens Daughters in India*, published in 1899.

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<sup>338</sup> 3BVI/c/1/1 Box FL076, Ref. 146, WL.

<sup>339</sup> Philip Magnus, *Gladstone: A Biography*, p305.

<sup>340</sup> *Select Committee of Enquiry*, 1893, piii, para 1.



The reader must try to imagine us sitting in one of the spacious rooms of the India Office. At the head of an oval polished table sat Mr. Russell, the Chairman; to his left sat General Newmarch, Sir Donald Stewart and Sir James Peile. To the chairman's right sat the late Sir James Stansfeld, whose prerogative it was to conduct the examination; next to him were Mr. Casserly, Q.C. counsel for our side and Henry J. Wilson, MP.<sup>341</sup>

Kimberley must, initially, have been delighted at the intimate and seemingly informal nature of this Enquiry as thus described by the American women. Its outcome cannot have been so well received.

Stansfeld was delighted at Russell's appointment as a known supporter of abolitionism. The son of an MP, his enthusiasms seem to have been politics, religion and books. First joining Parliament as a Radical Liberal MP for Aylesbury in 1880, in the same year he was appointed Under-Secretary of State for India. Whilst parliamentary secretary to the Local Government Board in the mid-1880s, Russell had initiated an investigation of the London slums, this enquiry bearing directly on the appointment of a royal commission on housing for the poor in 1884. His support for repeal of both English and Indian CDAs may well have stemmed from his Christian belief in personal social service, visiting workhouses and joining Christian missions. He was, according to the *ODNB*, 'a prominent figure in purity movements, Chairman of the NVA in 1885, and one of the founders of Ellice Hopkins White Cross Society.'<sup>342</sup> Russell in turn regarded Stansfeld highly, as a letter to the Viceroy, Lord Lansdowne, in 1893 indicates. Here Russell states clearly that Stansfeld had great influence, suggesting that not only was Kimberley 'very much averse to the appointment of the

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<sup>341</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India* (London: Morgan & Scott, 1899), p49.

<sup>342</sup> *Oxford Dictionary of National Biography*, 2<sup>nd</sup> Edition, s.v., George William Erskine Russell.

Committee, but that Stansfeld, at whose instance it was appointed, has virtually ‘bossed’ it.<sup>343</sup>

The Committee reviewed evidence on the ten cantonments visited by Bushnell and Andrew and John Hyslop Bell and interviewed witnesses from the BVI and various missionary groups. The two American missionaries confirmed their arrival in India on 1<sup>st</sup> January 1892 and the completion of their enquiries on 15<sup>th</sup> March, during which time they visited the cantonments, interviewed over 300 people and travelled 3,000 miles. They found Lock Hospitals within each cantonment, only dealing with VD, although James Peile suggested that because treatment for other contagious diseases, such as smallpox, were not evident during their visits, one could not assume such treatment to be non-existent. Stansfeld insisted on the importance of experience as evidence. He asked: ‘and you went to the *chaklas* and you went to the hospitals and put yourselves into communication with the native element as much as you could? We did’<sup>344</sup> Bushnell and Andrew referred to conversations with both local interpreters and the women themselves, speaking in broken English. Stansfeld sought clarification: ‘the *chaklas* being brothels for the reception of native women, who were not allowed to consort other than with British soldiers, and that nothing could happen in the Cantonment without the sanction of the military authorities.’<sup>345</sup> Peile challenged this, establishing that the ladies had never actually seen such an order, it was merely surmised. Attachment to specific regiments, including when on the march, was confirmed by the Americans. ‘They (the prostitutes) said there had been 50 (in the *chakla*) but many had gone away to Ranikhet with the soldiers.’<sup>346</sup> Financial arrangements between the brothel keepers (*malhaldarnis*), their prostitutes and paymasters were then discussed, and the

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<sup>343</sup> *Lansdowne Papers*, D558/15, 1893, OIOC, Mss Eur.

<sup>344</sup> *Select Committee of Enquiry*, p4, para 127.

<sup>345</sup> *Select Committee of Enquiry*, p5, para 169 and p6, para 190.

<sup>346</sup> *Select Committee of Enquiry*, p 10, para 376.

recommendation of the *malhardarni* spoke of her ‘efficiency as the superintendent of the prostitutes and of soldiers being free of disease. She received 15 rupees from the GOI and a further one eighth of the girls’ earnings.’

Their testimony indicated that their initial intention to seek help from European officials on the ground having been ignored, they went directly to the Cantonments themselves, managing to avoid becoming known to the military authorities. Having witnessed the conditions in the *chaklas* first hand and spoken to hundreds of women prostitutes for whom the physical examinations were at the heart of their feelings of violation, they reported that almost all the girls questioned told the same story of ‘cruelty and oppression.’<sup>347</sup> They also saw recent original official papers of *malhardani* appointments. The advantages of their being women opened the door to individual witness of the prostitute women themselves and the revelation of their intimate personal details, a task extremely unlikely to have been achieved by male investigators.

However, there were potential limits to their investigation: they were missionaries and the religious undertone of their report is self-evident. ‘[...] we were in the very place of power – that it was only there that God could reveal Himself to our waiting spirits.’<sup>348</sup> The subject matter of their enquiry, unpleasant to all, was doubly so in this case. Despite their assertion that many of the girls, through their association with Englishmen, ‘had learned to speak a little English, while a few spoke quite fluently,’<sup>349</sup> the accusation of misunderstanding through misinterpretation cannot be ignored. Neither can the inevitable pre-programming:

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<sup>347</sup> Bushnell & Andrew, *The Queens Daughters in India*, p30.

<sup>348</sup> Bushnell & Andrew, *The Queens Daughters in India*, p15.

<sup>349</sup> Bushnell & Andrew, *The Queens Daughters in India*, p20.

the BVI had asked the American ladies that ‘...we should secure actual proof.... that the resolution was being disobeyed.’<sup>350</sup>

At a special meeting of the BVI in May, whilst the Committee was in session, Stansfeld reported that the recently retired (February 1893) Commander-in Chief in India, Lord Roberts, had given an interview on his return to England to the journal, *The Christian Commonwealth* in which he had denied the statements of Bushnell and Andrew respecting the continuance of the Regulation System in India. ‘An occasional breach of the regulations might occur, but a wholesale organised system, under official sanction, is impossible!’<sup>351</sup> Roberts also implied that the ladies, travelling alone, should have sought his assistance with any complaints, rather than tackling the issue without official authority, and that in so doing they had acted emotionally rather than in practical mode, the inference being the unreliability and excitability of the female. Roberts also found their refusal to acknowledge the proper authorities or to be guided by them and thus operate outside the sphere of government highly improper. *The Christian Commonwealth* serial magazine was then edited by William T. Moore, an American ex-preacher, and prided itself on its radical copy. Stansfeld suggested Lord Roberts be called for examination, knowing that if he could prove that regulation was continuing without the knowledge of the major officials their case for repeal would be further strengthened. He wrote to *The Christian Commonwealth* and the *Pall Mall Gazette* advising sight of Robert’s statement and confirming proof of the continuing Indian regulation.<sup>352</sup>

Whilst investigation proceeded in London, and following the testimony of Andrew and Bushnell and Roberts’ unfortunate interview, the GOI began to put its own house in order. In

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<sup>350</sup> Bushnell & Andrew, *The Queens Daughters in India*, p13.

<sup>351</sup> *Christian Commonwealth*, 11<sup>th</sup> May, 1893.

<sup>352</sup> 3BVI/c/1/1, BoxFL076, Ref: 175, WL.

June it appointed its own special commission of enquiry into the operation of the 1889 Cantonment Act. Chaired by Denzil Ibbetson, census organiser at the Indian civil service, with many years of experience in the Punjab, the other members were Surgeon-General Cleghorn, Inspector-General of Civil Hospitals and Maulvi Samiullah Khan, a former District Judge. Ibbetson was worried about the time frame and wrote to the Secretary of the Military Department of the GOI when his group reached Ambala, warning him that ‘it is very doubtful whether the work can be done properly in the time allowed.’<sup>353</sup> In fact, they visited three cantonments and made their report before the end of June.

Ibbetson had joined the Punjabi Commission as far back as 1870 and is described by the *ODNB* as ‘marked out as a leading practitioner of historicist anthropology.’<sup>354</sup> He is best known for his text, *Punjab Castes*, originally published in 1883, which was celebrated within scientific circles ‘as a ‘monument of elaborate research and a mine of information, not only regarding mere census operations, but for its history, language and literature of the Punjab.’<sup>355</sup> The report is an example of field work in Indian anthropology, which established Ibbetson as an ethnographer, itself a branch of cultural anthropology. However, the historian of contemporary India, Crispin Bates, in his article, “Race, Caste & Tribe in Central India”, suggests that although Ibbetson was an administrator of immense experience [...] who became member of the Viceroy’s Council under Lord Curzon and finally Lieutenant Governor of the Punjab, his classification of castes lacked any scientific base and was thereby somewhat discredited.<sup>356</sup> What is of particular interest in this investigation is the fact that whereas in Britain the ‘experts’ in VD debates derived from the medical and political arenas,

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<sup>353</sup> Letter *Denzil Ibbetson to Edwin Collen*, 6<sup>th</sup> June 1893, P/4383, OIOC.

<sup>354</sup> *Oxford Dictionary of National Biography*, 2<sup>nd</sup> edition, s.v., Sir Denzil Charles Ibbetson.

<sup>355</sup> Proceedings of 62<sup>nd</sup> Anniversary Meeting, 18<sup>th</sup> May 1885, *Journal of the Royal Asiatic Society of Great Britain and Ireland*, (New Series, Vol. 17, No.3), pxli.

<sup>356</sup> Crispin Bates, *Race, Caste & Tribe in Central India, the early origins of Indian Anthropometry*, *Edinburgh Papers in South Asian Studies*, No. 3, (1995).

the venereal 'expert' on India was also an anthropologist. This links in with Levine's point about the racialization of venereal debates. Levine makes the case that 'CDA regulation was aimed exclusively at protecting white men from the consequences of VD transmitted by Indian women. Why do they require protection, she asks, responding decisively by pointing out that evidently 'sexual laxity equated to a racial primitivism, a degeneracy distanced from the civilised (western) world, and the sexual laxity was not that of the white male European but the indigenous prostitute.'<sup>357</sup> Ibbetson's anthropological approach further reinforces the distinction in the study and treatment of female prostitutes in India and 'at home' in Britain. Furthermore, his 'expert' testament sought to undermine the testimony of the American women observers who had provided their own report from India. This latter report served to further compromise the idea of Ibbetson's authority.

It is clear that there was an important difference in the instructions given to the two investigating bodies. The Indian Commission was asked to report on whether or not alleged practices were true and broke the rules of 1888. The Russell Committee's task was to establish whether or not existing rules and subsequent practices accorded with the Commons Resolution of 1888. The main difference between these two objectives was that whilst the former conceded some infringement, its emphasis was to justify such violation by painting a picture of a continuing 'raucous India as a moral threat to civilisation.'<sup>358</sup> Russell's group, predicated on a repeal-sympathetic administration, determined to prove what they already knew. The focus of both investigations influenced the extent of the on-the-spot examinations and the scope of the final reports.

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<sup>357</sup> Philippa Levine, *Prostitution, Race & Politics*, p179.

<sup>358</sup> Philippa Levine, *Prostitution, Race & Politics*, p111.

Both investigations found evidence refuting the claims of the GOI that rules under the 1888 Bill were being invoked. However, Ibbeston's team smoothed their evidence by offering, as Philippa Levine describes it, 'seamless explanations to soften these admissions,'<sup>359</sup> and appealing to the nation's conscience by emphasising that it was to the troops that all consideration should first be given. Countering the claims by the two American women missionaries that British troops were more savage than indigenous females, Ibbetson, in his final paragraph advised that 'an incorrect picture has been painted of trembling groups of miserable women.'<sup>360</sup> In their report of 1st July 1893, Ibbetson's Committee showed that, according to the *Times of India Directory*, 'in nine stations out of ten the orders given by the GOI have been scrupulously observed. In only one have they been less carefully regarded.'<sup>361</sup>

Ibbetson emphasised the logicity of his greater understanding of the Indian woman through his many years of service in the Indian Civil Service. This tenure, he implied, automatically superseded the experiences of Bushnell, Andrew and Hyslop Bell, whose Indian encounters had been necessarily limited. Furthermore he inferred a certain reproach toward these witnesses, who, ignorant of the customs and belief of the people of India, seemed to him to patronise those they supported. On several occasions for example Ibbetson accused them directly: 'those ladies [Bushnell and Andrew] being ignorant of the circumstances of India.'<sup>362</sup> And whilst he allowed for their honesty of purpose, he simultaneously suggested

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<sup>359</sup> Philippa Levine, *Prostitution, Race & Politics*, p111.

<sup>360</sup> Denzil Ibbetson, *Special Committee of Enquiry*, 1893, p49, para107.

<sup>361</sup> A Review of 1893, *Times of India Calendar & Directory*, (Bombay: Times of India Steam Press, 1894), p300, NAND.

<sup>362</sup> *Select Committee of Enquiry*, Appendix II, 14th August, 1893, p106, para 2886

their reporting as quite inaccurate.<sup>363</sup> In other words Ibbetson showed that he did not take seriously women as experts.

Having visited the cantonments of Ambala, Lucknow and Meerut, in all of which the Americans had witnessed violation of the Act, Ibbetson denied that the old system remained in operation, although his team did acknowledge continuing sexual commerce between British soldiers and Indian women. Although he also confirmed that the Cantonment Act regulation concerning the right to expulsion was still in force, the group had found no evidence of licensing or registration.

A majority report of the Russell Committee concluded that periodic compulsory examination of prostitutes was maintained throughout India between 1888-1893, that prostitutes lived in the cantonments, their register of address being maintained at Lock Hospitals, that former such hospitals, now called Special Hospitals, still treated those women and that they were used almost exclusively for compulsory examinations for VD. The Indian system therefore did not accord with the accepted meaning of the Commons Resolution. This report was signed by Russell, Stansfeld and Wilson, whilst a separate, minority, report was proffered by Stewart and Peile. They suggested that some misinterpretation of the rules had occurred probably due to insufficient clarity in local authorities. But they denied that the GOI had assisted in regulating prostitution and asserted that it was not in violation of the Resolution.<sup>364</sup>

Ibbetson's findings, however glossed over by his team, together with the openly critical conclusions of the Russell committee, left the government little choice. Even the dissenting minority report issued by Stewart and Peile, who were out of sympathy with their three

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<sup>363</sup> *Select Committee of Enquiry*, Appendix II, 14th August, 1893, p107, para 2905

<sup>364</sup> *Minority Report*, C.7148, Parliamentary Branch, OIOC, L/PARL/233.



compatriots, admitted inconsistencies between the 1890 ICA and the essence of the 1888 Bill. The death knell however, was contributed by Lord Roberts himself, who was brought to the stand on 4th August and it is apparent from the Parliamentary Blue Book that Stansfeld directed the majority of the questions at this witness, and that in their tone and construction, he saw an opportunity to discredit Roberts.

### **Stansfeld's Questioning**

Stansfeld began his interrogation of Lord Roberts by obtaining his agreement on a vital point within the debate: that the intention of the 1888 Resolution was that the entire system of the regulation of prostitutes for the benefit of soldiers in India should be abolished.<sup>365</sup> Roberts confirmed this order, but with the proviso that 'occasionally shortcomings were brought to notice from the subsidiary orders that have been misinterpreted locally.'<sup>366</sup> Roberts continued his denial of compulsory examination, citing his visit to Rawalpindi in December 1892, where the Lock Hospital had been replaced by a General Hospital earlier that year, and where Roberts had found no women detainees.

Stansfeld suggested that his witness evidence confirmed there had been a continuation of periodical compulsory examination in many places, to which Roberts admitted that sometimes the 'authorities did either evade or read the rules in some other kind of way and they did carry on a certain amount of compulsory examination.'<sup>367</sup> In response to Stansfeld's assertion that the choice for many women was the *chaklas* or starvation, Roberts' immediate answer reflected the primary attitude of the entire British army in transposing a racial

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<sup>365</sup> *Select Committee of Enquiry*, 4<sup>th</sup> August, 1893, p67, para 1904.

<sup>366</sup> *Select Committee of Enquiry*, 4<sup>th</sup> August, 1893, p67, para 1908.

<sup>367</sup> *Select Committee of Enquiry*, 4<sup>th</sup> August, 1893, pp68-69, paras 1942, 1944.

difference to a cultural difference. ‘These women are prostitutes from birth, they live with prostitutes, they are brought up by prostitutes.’<sup>368</sup> Ibbetson had also adopted this stance, suggesting that Indian women had no shame and that there were ‘whole villages in the Himalayas where the daughters are given up to prostitution.’<sup>369</sup> This attitude reinforces Philippa Levine’s point that the apparent lack of stigma attached to indigenous prostitution was proof that attitudes to these women showed that they were seen as less evolved. Stansfeld rejected Roberts’ corresponding assumption, suggesting they were largely recruited out of unfortunate women who had no alternative means of livelihood. Roberts continued to insist that any woman in an army *chakla* had been practicing prostitution prior to her arrival.

Stansfeld then referred to the witness evidence of the maintenance of the whole system in Meean Meer until May 1892, to which Roberts replied that he had issued further orders in July and that he believed that from that time there had been no ‘shortcomings.’ Stansfeld then began to up the stakes, asking ‘what is the answer to the charge that there was systematic provision, with the sanction of the military authorities, for the residence of native women as prostitutes for the exclusive use of British soldiers?’<sup>370</sup> Roberts’ lame response confirmed that his orders (if they existed) had not been obeyed.<sup>371</sup> Stansfeld’s frustration erupted: ‘Surely somebody should be responsible to the GOI, and through the GOI, to this country for obedience to a Resolution in the House of Commons?’<sup>372</sup> Roberts merely confirmed that this was so: ‘certainly’,<sup>373</sup> he replied.

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<sup>368</sup> *Select Committee of Enquiry*, 4<sup>th</sup> August, 1893, p69, para 1953.

<sup>369</sup> *Select Committee of Enquiry*, 14<sup>th</sup> August, 1893, p111, para 3010

<sup>370</sup> *Select Committee of Enquiry*, 7<sup>th</sup> August, 1893, p71, para 2005.

<sup>371</sup> *Select Committee of Enquiry*, 7<sup>th</sup> August, 1893, p71, para 2005.

<sup>372</sup> *Select Committee of Enquiry*, 7<sup>th</sup> August, 1893, p73, para 2033.

<sup>373</sup> *Select Committee of Enquiry*, 7<sup>th</sup> August, 1893, p73, paras 2033/2034.

Stansfeld then drew attention to the Ibbetson Special Committee Report on Umballa, Meerut and Lucknow. He accused the GOI of continuing the system of compulsory registration, regulation and examination of prostitutes until May 1893, somewhat modified from 1888, but containing many of its principal features. He also referred to Roberts' interview in the *Christian Commonwealth*; 'I think you said several times that it was impossible that these things could be carried out after they had been forbidden [by the 1888 Resolution].' Roberts' reply was all that Stansfeld required. 'Yes I did and I am sorry to find that the contrary was the case in certain places.'<sup>374</sup> This response from the highest military authority in India, until his retirement earlier that year, was most significant for it indicated that the GOI operated under its own jurisdiction without reference even to the Commander-in-Chief and confirmed for Stansfeld his long held opinion that the 1888 Resolution had been all but ignored.

Throughout his questioning, Stansfeld remained the consummate prosecutor; always courteous, always allowing the witness time to gather his response, but always sharpening his knife, for he knew that if Lord Roberts could be shown to be utterly unaware of what was happening under his nose, the British army in India would be totally stigmatised. He thus herded Roberts into a pen of no return. The journalist W.T. Stead, one of the best known campaigners against trafficking of women and children who had already supported Stansfeld in taking up the attack on the double standard on behalf of women in his prominent daily, the *Pall Mall Gazette* in 1885 in his article series, 'The Maiden Tribute of Babylon', summed up Roberts' predicament in the June 1893 issue of the *Review of Reviews*. 'A Commander-in-Chief who does not know what is going on in half-a dozen of the most important military

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<sup>374</sup> *Select Committee of Enquiry*, 11<sup>th</sup> August, 1893, p80, para 2200.

stations in India, is not by any means the kind of Commander-in-Chief that Lord Roberts is believed to be<sup>375</sup>

A letter from Lord Roberts, dated 11<sup>th</sup> August 1893 now contained an apology to the American missionaries whose words he had originally so strongly denied. However he did add a rider to the effect that if Bushnell and Andrew had put themselves under the care of the authorities, ‘omissions and shortcomings would have been remedied at the time, and a great deal of unpleasantness would have been avoided: the ladies would have found their task considerably lightened and there would have been less chance of their drawing wrong deductions.’<sup>376</sup> He blamed any misunderstandings on the ladies’ lack of knowledge of either the language or customs of the people of India, just as Ibbetson had previously suggested. This justification for a lack of concurrence with the 1888 Commons Resolution came to dominate much of the defendants’ testimony. Roberts’ comments proved very damaging to India’s case and Lord Lansdowne ‘felt he admitted too much and apologised too strongly to the missionaries and their allies.’<sup>377</sup>

The 1893 Committee of Enquiry, which was instigated by Stansfeld, turned out to be his final political engagement with the GOI, although it did not put an end to the subject overall. It was led by both him and James Stuart and whilst it could be said that the 1893 Enquiry represented the culmination of Stansfeld’s strained relationship with the GOI, evidence from the BVI points to his continuing an extremely active negotiation on India. He produced and distributed 5,000 copies of a pamphlet based on the testimony of the two ladies called *Facts recorded by Eye-Witnesses* during the summer of 1893 which accompanied a UK lecture tour

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<sup>375</sup> W.T. Stead, *Review of Reviews*, June 1893, p597.

<sup>376</sup> *Select Committee of Enquiry*, 11<sup>th</sup> August, 1893, pxxvi, para 53.

<sup>377</sup> *Letter Lord Lansdowne to Russell*, 17th September 1893, OIOC, LP D 558/15

by Bushnell and Andrew. Stansfeld's praise for the American women was unbounded: 'Never known a piece of business so well done by man or woman.'<sup>378</sup> It was the use of their own witness, their tangible 'evidence' that Stansfeld was applauding, for their testimony was a narrative of what they saw and thought in relation to venereal legislation in India and not a political history of CD enactments.<sup>379</sup> The key was their intimate acquaintance with a disagreeable subject for as Penelope Tuson suggests in her editing of a series of writings about Indian womanhood, *The Queen's Daughters*, (1995), 'the reality of life for Indian prostitutes working in military establishments was far more difficult to establish than the official government complacency.'<sup>380</sup>

### Final Moves

By the end of September 1893 it was evident that the copious correspondence between Stansfeld, the GOI and the Government had, as yet, failed to encourage a response. Put succinctly by Stansfeld, 'the Government had agreed that the business should be expedited and the agreement has not been fulfilled.'<sup>381</sup> The BVI meeting on 28 September resolved that a resolution must be maintained and to secure not just a political but also a moral victory all committee members must prepare to renew agitation outside the House. Stansfeld was instructed by his members to table a Resolution of the House on the first day of the Autumn session.<sup>382</sup> He also drafted a resolution for submission to the Indian National Congress, which was used in a condensed version. Kimberley's response, whilst without sympathy for

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<sup>378</sup> 3BVI/c/1/1, Box FL076, Ref: 219, WL

<sup>379</sup> Elizabeth Andrew & Katherine Bushnell, *Facts record by Eye-Witnesses*, 1893, 3/HJW/A/4/1425, WL.

<sup>380</sup> *The Queen's Daughters: An Anthology of Victorian Feminist Writings on India 1857-1900*, ed. by Penelope Tuson (Reading: Ithaca Press, 1995), p127.

<sup>381</sup> 3BVI/c/1/1, Box FL076, Ref. 251, WL.

<sup>382</sup> 3BVI/c//1/1, Box FL076, Ref 255, WL.

Stansfeld's views, acknowledged that the majority of the Commons supported him, proving that the evidence of Andrew, Bushnell and Hyslop Bell had carried the day.

However, as the long standing dispute between Stansfeld and Kimberley continued throughout 1893 and into the following year, Kimberley's journal entry for November 1893 indicates his unwillingness to ratify the conclusions of the Select Committee. He states that he: 'Met Stansfeld at Mr. G's to discuss whether he is to have a day for discussion on his Cantonments enquiry. He wants to move a resolution. It is melancholy to see a man of some ability like Stansfeld, grow up to this wretched agitation, which, if I were to copy his own language, I should term wicked and immoral.'<sup>383</sup>

Politically astute as ever, Kimberley wrote to the Viceroy, Lord Elgin in March 1894, 'The late Conservative government found it impossible to resist Stansfeld [.....] and if they could not with their great majority resist, you may suppose how perfectly hopeless it would be for us to attempt it.'<sup>384</sup> In the early spring of 1894 Kimberley was replaced by Henry Hartley Fowler, 1<sup>st</sup> Viscount Wolverhampton (1830-1911), who served as SSI from 1894 to 1895. Although the ruling Liberals were in trouble over the Irish policy and facing a change of leadership, Stansfeld was in constant touch with Fowler, pressing him to use his office to enquire what was being done at the IO in reference to the proposed Bill. Fowler was a Nonconformist and a likely ally to the repealers, although he was immediately assaulted by Viceroy Elgin's implying that a lack of regulation would lead to a likely increase in 'unnatural crimes.'<sup>385</sup> The proposed new Bill was introduced into the House in July, prohibiting compulsory or periodical examination of women for VD, registration of

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<sup>383</sup> *The Journal of John Wodehouse, First Earl of Kimberley, 1862-1902*, ed. by Angus Hawkins and John Powell (Cambridge: Cambridge University Press, 1998), p419.

<sup>384</sup> Letter *Kimberley to Elgin*, 9<sup>th</sup> March, 1894, Mss. Eur. F84/12, OIOC.

<sup>385</sup> Letter *Elgin to Fowler*, 22<sup>nd</sup> May, 1894, Mss. Eur. F84/12, OIOC.

prostitutes and sanctioning of the practice of prostitution in cantonments. Indignation was aroused, particularly amongst Indian military authorities whose response can be measured by an extract from a letter written by the Commissioner of Faizabad: ‘The less said about the present Bill, fathered by morbid married faddists and sexless unprofessional sisters, the better.’<sup>386</sup> The new Commander in Chief, General White reported home that there had been a terrible increase in VD rates, ‘the addition to human suffering that this represents ought to influence right-minded men to oppose the grievous wrong worked by Stansfeld & Co to our boy soldiers.’<sup>387</sup> The GOI then requested power for commanding officers to expel infected women from cantonments, which Fowler refused, asking how one would know a woman to be infected without examining her. To this request and other objections, Fowler remained firm of purpose, telling Lord Elgin, ‘he had overridden his whole council on the matter.’<sup>388</sup> On 19th December that year, Fowler confirmed that ‘the Bill is to come on in the Legislators Council when it reassembles in Calcutta.’<sup>389</sup> Fowler’s determination to impose new legislation on India can be directly attributed to the continuous agitation of Stansfeld and his vocal lobby. For that lobby cut across party lines and the Government could not afford to disaffect so many of its allies on what seemed to be a morality issue.

July 1895 saw a General Election in which Salisbury’s Conservatives were returned as the largest single party. Levine reports that with this strong government (having won by 341 votes to the Liberals 177), ‘repealers lost the parliamentary advantage.’<sup>390</sup> Fowler and Stansfeld were reduced to the back benches, whilst Joseph Chamberlain in the Colonial

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<sup>386</sup> Letter Fendell Currie, Commissioner of Faizabad, to NWP and O government, quoted in Kenneth Ballhatchet, *Race, Sex and Class Under the Raj*, p83.

<sup>387</sup> Letter *General White to Duke of Connaught*, 4<sup>th</sup> September 1894, Mss. Eur. F108/18, OIOC.

<sup>388</sup> Letter *Fowler to Elgin*, 30<sup>th</sup> November, 1894, Mss. Eur. F84/12, OIOC.

<sup>389</sup> *3BVI/c/II*, Ref 389, WL

<sup>390</sup> Philippa Levine, *Prostitution, Race & Politics*, p116.

Office (CO), and George Hamilton as the new SSI were both extremely hostile to repeal. Chamberlain, a former Radical Liberal, joined the Conservatives at the start of this new Government, more concerned with South African affairs than Indian. Hamilton, as described in the *ODNB*, was ‘a diligent defender of the independence of the IO, but was able, when Lord Elgin became Viceroy, to discreetly steer Indian policy from London.’<sup>391</sup> In October 1895 the report of the Army Sanitary Commission for the previous year showed unequivocal opposition to any reintroduction of CDAs in India, which Stansfeld utilised in his the continuous pressure on the GOI to pass in 1895 an Act to amend the 1889 Cantonment Act. This provided that there should be no rules for compulsory or periodical examination of women and no legal sanction of prostitution in the cantonments. Stansfeld however, having read the new ICA, suggested that the legislation would ‘probably be used to terrorise unfortunate women with so called ‘voluntary submission’, but at the moment felt that nothing could be done.’<sup>392</sup>

Stansfeld retired as MP for Halifax at the general election of 1895 and was subsequently enrolled as the freeman of that borough. This in no way prevented him from continuing the campaign against Indian regulation and agitation began again in 1896, in response to another panic about the ravages of venereal disease within the British Army in India. Levine testifies that whipping up the public alarm, ‘newspapers, pro-CD politicians and doctors began to clamour for attention.’<sup>393</sup> The BVI’s fear that the whole question might have to be fought again proved all too true in the ensuing strong campaign for re-imposition of state regulation.<sup>394</sup> Stansfeld repeatedly referred to the view of the Army Sanitary Commission, requesting the appointment of a committee at the next Parliamentary session to enquire into

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<sup>391</sup> *Oxford Dictionary of National Biography*, 2<sup>nd</sup> edition, s.v. Lord George Francis Hamilton.

<sup>392</sup> *3BVI/c/II*, Ref 435, WL.

<sup>393</sup> Philippa Levine, *Prostitution, Race & Politics*, p116.

<sup>394</sup> *3BVI/c/II*, Ref 487, WL.



the working of the CDAs in the British Army in India. The First Lord of the Treasury, Mr. Balfour, replied that the Government would consider the propriety of an enquiry either by Committee or otherwise, to decide the controversy as to the facts.<sup>395</sup> In early November 1896, the GOI reported that ‘annual VD admissions among British troops had risen to 522 per 1,000’<sup>396</sup> to which, knowing that this report would have an explosive effect on English opinion, Stansfeld continued plying pressure on Hamilton, forcing him, in November 1896, to appoint a Committee to consider troop VD in India, chaired by the Earl of Onslow who was the new permanent parliamentary under-secretary at the IO, succeeding Arthur Godley. Unsurprisingly, since his fellow Committee members were two army surgeons and James Peile (author of the dissenting report in the 1893 Select Committee), and aware of the previous history of the IO’s tacit support for regulation, the Committee favoured the military.

Their findings were published on 20<sup>th</sup> February 1897, the Committee summarising ‘the attack of VD on British troops in India as unprecedented,’ and that ‘the character and virulence of syphilis had intensified.’<sup>397</sup> Simultaneously, Hamilton wrote to Lord Elgin suggesting that previous regulation must be re-introduced, although aware of the likely ensuing controversy.<sup>398</sup> Elgin also received a missive from Onslow himself suggesting, ‘that the feeling on the subject in England is becoming so strong that I do not anticipate much difficulty in facing Parliamentary censure if we stop short of re-establishing Cantonment brothels.’<sup>399</sup> The impact of the Committee’s report was considerable, causing even the Army Sanitary Commission to retract its previous condemnation of the ICDA and ICA to support

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<sup>395</sup> 3BVI/c/II, Ref 513, WL.

<sup>396</sup> Military Letters from India, 4<sup>th</sup> November, 1896, IMLR (184), OIOC.

<sup>397</sup> *Report of Departmental Committee on the Prevalence of Venereal Disease among the British Troops in India* (London: Eyre and Spottiswode, 1897), pp8 and 13.

<sup>398</sup> Letter *Hamilton to Elgin*, 19<sup>th</sup> February, 1897, Mss. Eur. F84/15, OIOC.

<sup>399</sup> Letter, *Onslow to Elgin*, 26<sup>th</sup> February, 1897, Mss. Eur. F.84/27, F.24, OIOC.

for controlling prostitution.<sup>400</sup> Several English journals joined in this *volte face*, the *Daily Telegraph* calling the state of affairs in India a national crime and criticising politicians who ‘allowed fanaticism in this country to sweep away every one of those barriers against disease and death which they stood pledged by the plainest obligation both military and civil to maintain.’<sup>401</sup>

In March 1897, in response to Hamilton’s announcement of a change of policy, treating VD as any other contagious disease, Stansfeld drafted a new manifesto for the BVI. In May, at the Annual Meeting of the LNA, he reported that Bushnell and Andrew were willing to return to England and ‘help in the coming agitation.’<sup>402</sup> There was unanimous agreement within the BVI that their presence would be most valuable. In July 1897 the GOI repealed the 1895 Cantonment Act, not in order to reintroduce the Indian CDA or the CA, but ‘to protect their officials from possible legal action when carrying out legitimate examinations.’<sup>403</sup> The 1897 Act reintroduced the expulsion of women from cantonments if they refused treatment, returned venereal disease to the list of contagious diseases over which control could be exercised, prohibited brothels and forbade streetwalking. The Governor of Madras congratulated Hamilton on ‘solving the problem in the most ingenious way.’<sup>404</sup>

In April 1897, an Indian paper reported that the legislation formalised in the 1897 CA had been immediately attacked by the BVI.<sup>405</sup> This was the *Pioneer Mail of Allahabad*, the larger sister of the *Civil & Military Gazette*, publisher of Kipling’s *Plain Tales from the Hills* in

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<sup>400</sup> Army Sanitary Commission. *On the Prevention of VD among British Troops in India in the Years 1894 and 1895*, 9<sup>th</sup> March, 1897, L/MIL/7/13863, OIOC.

<sup>401</sup> *The Daily Telegraph*, 20<sup>th</sup> March, 1897, L/MIL/7/13867, OIOC.

<sup>402</sup> 3BVI/c/1/1, Ref 673, WL.

<sup>403</sup> Hammond & Hammond, *James Stansfeld*, p276.

<sup>404</sup> Letter *Havelock to Hamilton*, 20<sup>th</sup> April, 1897, Mss. Eur. F.123/6, OIOC.

<sup>405</sup> *Pioneer Mail of Allahabad*, 22<sup>nd</sup> April, 1897, L/MIL/7/13871, OIOC.

1888, and a thoroughly respected publication. However, this time the IO would not yield. Armed with an 1897 report of the effectiveness of British troops in Indian frontier wars, in which of the 21,000 soldiers ordered to march, 10% were incapacitated through VD, the IO became totally convinced that strong cantonment legislation was essential for the Army's health. Using the old adage of 'imperial interests' and the impending Boer War, the IO re-introduced the basic elements of the old system. As the state of the Indian Army's preparedness was publicised, public and parliamentary agitation over India's cantonment policy disappeared. Thus, whilst home politics had interrupted the sexual legislation of India's British troops for two decades, in the end the military requirements of the Empire prompted British officials to resist all further agitation from special interest groups at home.

On 5<sup>th</sup> July 1897, chairing the Annual Public Meeting of the LNA for the Abolition of Government Regulation of Vice, held in St. Martins Town Hall, Charing Cross, Stansfeld gave his last ever speech announcing, according to *The Times*, 'that matters of the gravest importance will be presented to the Meeting, affecting our Indian Empire.' This last speech was a protest against the change of policy in the repeal of the 1895 ICA, in which Stansfeld lambasted the GOI, suggesting that the Indian Administration had been without principles of morality and that 'to suggest the responsibility for any increase in VD figures was due to that 1895 policy was one of the most barefaced and impudent frauds ever passed upon the public.'<sup>406</sup>

The first day of February 1898 brought news from Lady Stansfeld that Sir James 'had had a complete breakdown in health and his condition was serious, but it was hoped that with

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<sup>406</sup> *The Times*, Saturday, 10<sup>th</sup> July, 1897, p16, Issue 3524.

complete rest for a time he might recover.<sup>407</sup> He died on 17<sup>th</sup> February 1898 at Castle Hill, in Rotherfield, East Sussex, where he had lived for the last three years with his second wife, Frances, whom he had married in June 1887. The Hammonds described his last years as a ‘time of quiet enjoyment of Frances’ companionship and sympathy and the laying out of his garden at Rotherfield.’<sup>408</sup>

### **Conclusion: Stansfeld & the Education of Women**

This chapter has shown that the British debates about the CDAs in India further reinforce the strong currency the regulation of female sexuality held within a number of debates about colonial rule, and they also make clear that women’s role in Victorian society remained unequal to that of men. As this chapter has demonstrated, attention to Stansfeld’s contribution adds understanding of the complicated political investments in the regulation of prostitution and their gendering. His work furthermore reinforces that he was invested in the improvement of the position of women through higher education. For the ‘Indian’ debates not only show political agreements and disagreements within and across the major political parties in late nineteenth-century Britain, but they also make clear that the voices that tended to give credence within this context were those of men. A significant part of Stansfeld’s legacy, therefore, was not just his efforts to improve women’s lives broadly, but as his support of Bushnell and Andrew shows, his attempts to give women authorial, expert voice.

While Stansfeld was clearly outspoken about his work on the repeal of the CDAs, it is noteworthy that he took a relatively slight part in Parliamentary discussions on other questions after 1874. However, the interventions he made do illustrate his feminist concerns,

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<sup>407</sup> 3BVI/c/1/1, Ref 797, WL.

<sup>408</sup> Hammond & Hammond, *James Stansfeld*, p288.

evidenced through his speeches on women's suffrage in the House. In 1875 he made an energetic speech in support of the second reading of the Woman's Disabilities (Removal Bill), one of several attempts during the 1870s to gain the parliamentary vote for women, and in 1884 he supported the Liberal MP Woodall's amendment to the Representation of the People Bill. Originally this Bill supported the enfranchisement of the agricultural labourer, Woodhall moving for a new clause to extend the franchise to women. In that both these Bills promoted female suffrage, they were of considerable interest to Stansfeld, who, when chastised by Gladstone for throwing the success of the latter Bill into doubt if such a clause was included, protested vehemently against such pressure. Yet again, it should be noted that Gladstone's support for female emancipation as far as sexual regulation was concerned, did not extend into the field of women's political liberty.

By examining the discourse about the regulation of CDs in India, then, this chapter has shown that the ICDA's reflected racialised and gendered assumptions about both the colonial subjects and the 'experts' whose views were counted as paramount in political debates. The chapter has documented Stansfeld's role as a conduit between the British political sphere and philanthropic activists.

## Chapter Three

### **Syphilitic Regulation in the Nineteenth-Century Indian Empire**

Whilst the first two chapters have examined the regulation of venereal disease in Britain and India from an explicitly British perspective, chapter three turns attention to the development of these debates in India itself. It considers both the British military and indigenous prostitutes, for these seemingly disparate groups were strongly linked by venereal disease legislation; the Indian Contagious Diseases Acts (ICDAs) and Indian Cantonment Acts (ICAs). The chapter focuses on the regulation of prostitution through these Acts, in which the treatment of prostitutes is central to the argument. It examines a range of debates and texts with the aim of diagnosing both the differences and similarities in prevailing nineteenth-century attitudes towards, and the regulation of, prostitution and venereal disease in Britain and British India.

In examining how British colonial authorities responded to the rise of syphilis in India through the late 1880s and early 1890s, I seek to complicate existing histories by situating the problem of VDs within the wider framework of India's colonial experience. The chapter will examine reasons for the ever growing demand of the authorities for more stringent preventative measures in India, which seem to stand at odds with the demands for repeal of both British and Indian Contagious Diseases Act (ICDA) and Cantonment Act (ICA), which, as the previous chapter has argued, grew exponentially in Britain. It will explore political, legal, sexual, military and medical debates about late nineteenth-century India, including particular considerations of institutions such as the lock hospital and what the use of the

speculum in the examination of Indian women suspected to be prostitutes tells us about how the debates were racialised, classed and gendered.

### **The introduction of sexual regulation in India: Historical contexts**

British regulation of prostitution in India was initially operated through the first Cantonment Act of 1864 which controlled the sex trade within military stations in India as part of the regulation of commercial activities in military towns. It was modelled on Public Health Acts at home.<sup>409</sup> This was the first comprehensive legislation which instituted sanitary police under the overall charge of Medical Officers. This was followed by its expansion into the main provinces of Bombay, Madras and Calcutta, and then finally by the Indian Contagious Diseases Act of 1868, which extended the supervision, registration and inspection of prostitutes into all major Indian cities and seaports. The CDA in India rested primarily on assumptions about racialised Indian female sexuality. Sabyon Sachi R. Mishra suggests that ‘VD becomes a marker to understand how, in order to overcome its own fears, the British authorities came to redefine the roles of the colonizer and the colonised in this period.’<sup>410</sup> The introduction of this legislation was the product of longer colonial politics.

Why was this edict initially passed into law in India? The presence of VD among European troops stationed in India had been a cause for concern throughout the British Empire from the late eighteenth century onwards. For as colonial historian Ratnabali Chatterjee has argued, the ‘average British soldier working for an organisation of merchants in the eighteenth

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<sup>409</sup> *Public Health Act 1848, Nuisance Removal Act and Disease Prevention Act 1855, Local Government Act 1858.*

<sup>410</sup> Sabyon Sachi R. Mishra, “An Empire ‘De-Masculinized!’ The British Colonial State and the Problem of Syphilis in Nineteenth-Century India”, in *Disease & Medicine in India*, ed. by Deepak Kumar (New Delhi: Tulika Books, 2001), p169.

century has an Indian *bibi*' (mistress) and also indulged in alternative commercial sex. As a result many soldiers suffered from venereal infection.<sup>411</sup> During the second half of the nineteenth century the Crimean War prompted new questions about the health of the British Army, which in turn had an impact on the colonial army in India. Britain's attitudes towards its fighting men changed during that conflict, as now the idea that the soldier was defending the nation's honour rather than merely its aristocracy became more prevalent.<sup>412</sup> Venereal diseases amongst soldiers became directly linked to ideas about the health of the nation. The debates had a particular relevance in India, linked as they were to the stirring of Hindu social and religious reform in the late nineteenth century. Issues including *sati* (wives attaining virtue by being burned alive on husband's funeral pyre), the stigma attached to widowhood, polygamy, child marriage and female education were all questioned during this period, culminating in the formation of the Indian National Conference in 1887, during the third session of the Indian National Congress. This provided a forum for the discussion of social issues and encouraged the development of women's involvement beyond the city or locality level. Dagmar Engels, for example, argues that although based on female modesty, images of *purdah* also encompassed political and educational activity at this time.<sup>413</sup>

The first major investigatory Royal Commission into the Sanitary State of the Army in India was instigated in 1859. A lengthy questionnaire was sent to every local Indian station, highlighting topography, mortality and disease, and pecuniary issues, plus health, (sanitations conditions, drainage, water supply, barrack conditions and a sub-heading directly related to VD). Questions posed included examples such as, 'what proportion of men suffer from VD?

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<sup>411</sup> Ratnabali Chatterjee, *The Queens' Daughters in India: Prostitutes as an Outcast Group in Colonial India* (Bergen: Christian Michelsen Institute, December 1992), p5.

<sup>412</sup> Byron Farwell, *Armies of the Raj* (London: Viking, 1989); Kenneth Ballhatchet, *Race, Sex & Class under the Raj*, (London: Weidenfeld & Nicolson, 1980).

<sup>413</sup> Dagmar Engels, *Beyond Purdah? Women in Bengal, 1890-1939* (New York: Oxford University Press, 1996).



Please suggest additional precautions, such as the re-opening of all Lock Hospitals.’<sup>414</sup> Such detail demanded laborious analysis and collation and the Commission did not publish its report until 1863. Amongst the major results of this report fraternisation between the British and the indigenous population suggested that living conditions contributed to disease.

Elizabeth Collingham argues that: ‘as hygiene expanded to cover the idea of public as well as personal health, the medical gaze shifted to the community rather than the individual and this sharpened the racial dimension of the late nineteenth century discussion of disease as attention was directed to the threat of Anglo-Indian health posed by unhygienic Indians.’<sup>415</sup>

Whilst the most deleterious diseases in India were found to be fevers, dysentery, liver disease and endemic cholera, much attention was also placed on the deleterious effects of sexual diseases. A Colonel Sykes suggested that VD ‘prevailed at almost every Army station in a proportion of 20 – 25%’, another confirming that ‘English troops within the Madras Army sent 189 per 1000 home annually from syphilitic infection.’<sup>416</sup> Whilst such statistics were helpful, the question remains as to whether or not military rank and file were invited to respond, or merely their commanding officers. If solely the latter, whose interest was to maintain a full and healthy complement of soldiers, such figures would emphasise the need for some form of military control.

There was a note of despair in the overall report that ‘most of the plans to lessen the ‘evil’ of VD infection had been tried and had failed with the main recommendation throughout being more repressive police measures against indigenous women and/or marriage and moral

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<sup>414</sup> *Royal Commission into the Sanitary State of the Army in India*, Vol. II, Item IV, Diseases No. 5 (London: Eyre & Spottiswode, 1863), p5.

<sup>415</sup> Elizabeth Collingham, *Imperial Bodies: the Physical Experience of the Raj*, p165.

<sup>416</sup> *Royal Commission into the Sanitary State of the Army in India*, Vol. I, pxxiii.

restraint.<sup>417</sup> Whilst supporting these measures, ‘other evidence to reduce the temptation resulting in sexual disease was also made with the suggestion of improving the soldiers’ conditions in terms of occupation, instruction and recreation.’<sup>418</sup>

Several military and medical officers were called to give evidence to the Commission during 1861. A Dr. Colvin Smith, when asked to what causes he attributed the poor troop health, replied: ‘intemperance, syphilis and malaria are the three things which break up the constitution of a man in India.’<sup>419</sup> To counter this, Dr. Smith recommended that Lock Hospitals be re-established and a good set of peons or police be attached to every single one.<sup>420</sup> In other words, Sutherland considered venereal diseases as the most serious threat to the health of the British military, demanding of the severest control.

On March 23<sup>rd</sup> Dr. William Campbell Maclean seemed anxious to impress upon the Commission the enormous loss of efficiency through syphilis. In misogynist style, laying the entire blame on the Indian woman, he stated: ‘one woman in the course of two nights had utterly destroyed ten men; those men so injured by her that their efficiency was completely destroyed by a malignant form of syphilis.’<sup>421</sup> He strongly promoted the re-introduction of the Lock Hospital system as a preventative, suggesting it would be cost effective to maintain a prostitute whilst sick to prevent the destruction that one infected woman would work in the

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<sup>417</sup> *Royal Commission into the Sanitary State of the Army in India*, Vol. I, Venereal Disease, plxii

<sup>418</sup> *Royal Commission into the Sanitary State of the Army in India*, Vol. I, plxii.

<sup>419</sup> *Royal Commission into the Sanitary State of the Army in India*, Vol. I, No. 1521, 2<sup>nd</sup> March, 1861, p103.

<sup>420</sup> *Royal Commission into the Sanitary State of the Army in India*, Vol. I, No. 1525, 2<sup>nd</sup> March, 1861, p103.

<sup>421</sup> *Royal Commission into the Sanitary State of the Army in India*, Vol. I, No. 2393, 23<sup>rd</sup> March, 1861, p143.

regiment.<sup>422</sup> Such vitriol, allowing for no alternative other than the harshest repression of the indigenous prostitute, stood in marked contrast to the British notion at home of redemption and reform.

In 1861 the Special Sanitary Commissioner, C. Hathaway prioritised the main areas affecting the health of European soldiers in India as ‘housing, mental and physical occupation, diet and personal hygiene, which included cleanliness, temperance and abstinence.’<sup>423</sup> Hathaway also described the problem of VD as of ‘vital importance.’<sup>424</sup> This historical evidence supports the claim of medical historian Mark Harrison who in analysing the general health of both British and indigenous during this period, particularly in relation to sanitary reform, has suggested that by the mid nineteenth century the influence of environmental awareness spread to the major cities of British India and that ‘the British became increasingly critical of the sanitary habits of the vast majority of Indian people. This feeling diffused from those in command down to even the dregs of the British Army who came to look upon Indian habits with feelings of disgust.’<sup>425</sup> For the Commissioner’s Report shows that in blaming solely the indigenous population, the British military authorities eradicated both a sense of responsibility from their own ranks and also removed the potential for redemption amongst Indian people themselves, which helped the British to maintain a robust white identity.

Anxieties about soldier’s inactivity and deeper police regulation were accompanied by a report on the Sanitary Management of European Troops in the East Indies, submitted by

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<sup>422</sup> *Royal Commission into the Sanitary State of the Army in India*, Vol. I, No. 2398, 23<sup>rd</sup> March, 1861, p143.

<sup>423</sup> Memo C. Hathaway, Shimla, 14<sup>th</sup> November 1861, *Home, (Leg)*, March, 1864, Nos. 11-13, Part B, OIOC.

<sup>424</sup> Memo C. Hathaway, Shimla, 14<sup>th</sup> November 1861.

<sup>425</sup> Mark Harrison, *Climates & Constitutions: Health, Race, Environment & British Imperialism in India 1600-1850* (New Delhi: Oxford University Press, 1999), p22.

T.E.Dempster, Deputy Inspector-General of Hospitals and superintending surgeon in the Bengal Army. He wrote a report on the *Prevention of Syphilitic and other Diseases of the Genitals* in which he referred to the filthy state of unmarried soldiers, inevitable in barracks with no private washing facilities, merely an open verandah.

One of the major causes of syphilis is lack of washing – integuments in a state of irritation and often partially excoriated by increased and unremoved natural secretions, are precisely a condition to be at once inoculated by the slightest contact with venereal virus of any kind.<sup>426</sup>

Following this medical assessment, Dempster suggested that all men should be encouraged to wash their genitals regularly and to be subject to careful and regular examination, importantly the first occasion on which mutual emphasis was placed on inspection of both sexes. He concluded his report, ‘Of course, I have only dealt with the physical, not the moral prevention of disease’,<sup>427</sup> which, in the separating of the two issues, was again, an unusual approach at that time. This report was compiled in 1861, and later medical discourse showed that washing did not prevent transmission of disease. This earnest and considered report indicates how unclear the medical profession was about the spread of venereal disease at this time.

That the debates about venereal diseases in India had an international dimension is indicated by the fact that Florence Nightingale, whose nursing fame was secured in the Crimean War, was asked by the Royal Commission to write the questionnaires for the gathering of evidence and to make some *Observations* (1862) on the results contained in the stational returns. Her report suggested appalling sanitary defects and ‘camp disease’ (over-eating, over-drinking and sedentary habits). ‘Everywhere there is bad water, bad drainage, filthy bazaars, want of

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<sup>426</sup> T.E.Dempster, “Sanitary Management of European Troops in the East Indies” 1861, *Royal Commission into the Sanitary State of the Army in India*, 1863, p463.

<sup>427</sup> T. E. Dempster, “Sanitary Management of European Troops in the East Indies”, 1861, p463.

ventilation, surface overcrowding in barrack huts and sick beds.’<sup>428</sup> However, whilst also suggesting that the native population around Fort William in Calcutta was holed up in rank jungle with still and therefore stagnant water, she added that native troops appeared to be both more temperate and moral than the European cohort. Nightingale was fervent in her belief in sanitation reform, suggesting in a letter of 1857 that ‘there is a *prima facie* case which is entirely irresistible, that men may live in India as well as in England, if people will set about it, but that nobody has set about it.’<sup>429</sup> She further stressed the need for female nurses to be introduced into all the Civil, Military and Regular Female hospital wards.

Nightingale’s report was rejected because, as historian Mridula Ramanna, in “Florence Nightingale and Bombay Presidency” (2002), suggests that when the Commission completed its Report, officials in India and England felt her disclosures exaggerated and full of incorrect statistics, and attempted to suppress it. ‘Consequently her contribution was omitted from the abridged public version.’<sup>430</sup> How much more successful would examination of suspected prostitutes have been, had Nightingale’s report been accepted. Was this negativity predicated solely on Nightingale’s gender, for it would appear that the medical fraternity closed ranks? A blinding faith in their subjective judgement and the continuing patriarchal and derogatory view of the professional woman were not to change radically until the twentieth century. Nightingale’s suggested measures, which she considered imperative, together with her favourable comparison of Indian soldiers’ behaviour over their British peers could not have

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<sup>428</sup> Letter Florence Nightingale to Lord Stanley, MP, President of the Royal Commission, 21<sup>st</sup> November, 1862, Liverpool Record Office, *Derby Collection* 920/15/6

<sup>429</sup> Letter to Sidney Herbert, 24<sup>th</sup> December, 1857, “Florence Nightingale on Health in India”, *Collected Works of Florence Nightingale*, ed. by Gerard Vallee (Waterloo, Ontario: Wilfrid Laurier University Press, 2006), p51.

<sup>430</sup> Mridula Ramanna, “Florence Nightingale and Bombay Presidency”, *Social Scientist*, Vol. 30, No. 9/10 (Sept. – Oct., 2002), p34.

endeared her to those in authority promoting the colonial myth of British ‘decency’ versus the ‘uncultivated’ native troops.

When the Sanitary Report was finally published, the response from the medical authorities in India to her *Observations* was predictable. Dr Farquhar, Surgeon to the Viceroy, prefaced his response in a patronising paragraph: ‘A month’s flying visit to India would dispel a cloud of difficulties and remove misunderstandings. It would enable her to see how peculiar the character of our empire in the East is and the impossibility of carrying forward at once, all the sanitary and wholesome measures so anxiously desired by us in India and our friends at home.’<sup>431</sup>

Questionnaires and statistical information seem to have been extremely important in trying to gain a sense of the pathology of venereal disease and this speaks to wider nineteenth-century attention to debates about sanitation and the environment. Pamela Gilbert, in her study of how the Victorians mapped the social body partly via the development of a new sanitation system, has suggested that by the mid nineteenth-century, ‘moral and physical problems were closely aligned and increasingly conceived in terms of interventions in both the built and natural environments.’<sup>432</sup> Initially drawn on evidence from urban Britain, Gilbert then applies these findings to the mapping of cholera disease and sanitation development in nineteenth-century Indian cities. Colonial attitudes toward choleric disease mirrored those toward venereal as evidenced in a report by the then Surgeon in Madras, where *coolies* were routinely charged with responsibility for the spread of cholera, just as Indian women were

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<sup>431</sup> Dr. Farquhar, “Notes on Miss Nightingale’s Questions relative to Sanitation in Algeria and India”, Calcutta, 20th April, 1867, in Sir Edward Cook, *The Life of Florence Nightingale, Vol. 2, 1862-1910* (London: Macmillan & Co., 1913), 158.

<sup>432</sup> Pamela K. Gilbert, *Mapping the Victorian Social Body* (Albany, NY: State University of New York Press, 2004) p6.

thought accountable for VD. 'I am happy to state that active measures have been taken by the civil authorities towards removal of said (*coolie*) village altogether.'<sup>433</sup>

The nineteenth-century Indian metropolis contained many of the same social issues prevalent in European cities, such as overcrowding, filth and social promiscuity, but despite these many similarities few parallels were drawn between Indian and European cities. In his analysis of Indian urban space, South Asian historian William Glover accuses British authorities, both military and civil, of seeing 'indigenous districts of Indian cities – with what they deemed to be filthy bazaars and inscrutably tangled streets – as indicative of a faulty society and prone by both race and environmental circumstance to harbour transmittable diseases.'<sup>434</sup>

Scholarship on nineteenth-century London and other British cities focused on similar metropolitan issues but whilst matters of sanitation began to be seriously addressed in Britain, they were only applied in India to European environments, such as cantonments, and the apparently 'insensible' indigenous were left to fester. Whilst the slum areas of the major cities of Britain may have encouraged a rampant spread of disease, the climate and topography of nineteenth-century India produced infections of malaria, cholera, dysentery and smallpox which were endemic and frequently fatal. Together with these, sexually transmitted diseases (STDs) were the largest single cause of hospital admission although contributing little directly to the sum of European military deaths.

In his exploration of the regulation of prostitution in the Indian city, social scientist Stephen Legg draws attention to the enclosing of public prostitutes away from 'normal' Indians. He

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<sup>433</sup> William Robert Cornish, *Report on Cholera in Southern India for the Year 1869* (Madras: Morgan, 1870), p69.

<sup>434</sup> William Glover, "Construing Urban Space as 'Public' in Colonial India: Some Notes from the Punjab", *Journal of Punjab Studies*, Vol.14, No. 2, (Autumn, 2007), p212.

suggests that ‘while all Indian women were regularly suspected of promiscuity or immorality, prostitutes were set apart as being both socially lascivious and politically dangerous in terms of their effect on British military power.’<sup>435</sup> However, as Legg further suggests, the location of a cantonment, such as Fort William in Calcutta, so close to the city centre, afforded easy access to those prostitutes beyond its perimeter, prostitutes who were not registered or examined under the Indian CDA. It was therefore virtually impossible to extend military sexual regulation into the wider civilian population.

In many regions average hospital numbers through venereal diseases numbered between 25-50% of the British Army, greatly depleting its effectiveness. The Government of India (GOI) was acutely aware of the need to ‘lessen disease in military cantonments, especially illnesses deemed ‘controllable’, such as VD,’<sup>436</sup> and the army occupied a centre stage position in ‘evolving a colonial health policy that would make British India liveable for the British.’ Syphilis then constituted a major threat to the meeting of imperial needs with a limited number of soldiers, and the military saw the disease as an incurable menace affecting the very foundation of the Raj. This, then, was at the very heart of British regulation policy, for syphilis posed not just a serious health hazard, but also had, according to Sabya Mishra, ‘strategic, financial and cultural ramifications as well.’<sup>437</sup> Well before the imposition of direct rule there had been, Levine explains, ‘local enactments requiring women to undergo periodic examination in a Lock Hospital, followed by treatment if they were infected.’<sup>438</sup> These arrangements were, however, erratic, as historian Basu Roy uncovered, because Lock

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<sup>435</sup> Stephen Legg, “Governing prostitution in colonial Delhi: from cantonment regulations to international hygiene (1864-1939)”, *Social History*, Vol. 34, Issue No. 4, (November, 2009), p452.

<sup>436</sup> Arnold Kaminsky, *Morality Legislation and British Troops in Late Nineteenth-Century India*, *Military Affairs*, Vol. 42, No. 2 (April 1979), p78.

<sup>437</sup> Sabya Sachi R. Mishra, “An Empire ‘De-Masculinized!’”, p166.

<sup>438</sup> Philippa Levine, *Prostitution, Race & Politics*, p38.



Hospitals opened, closed and reopened at the behest of local authorities according to their finances and the whim of medical officers.<sup>439</sup>

One of the fundamental differences in the control of prostitution exercised in Britain and India was in the ambivalence toward the brothel. Whilst such institutions were not encouraged in Britain, where streetwalking was seen as the major indication of an individual engaging in commercial sex, in India the formal establishment of brothels ensured regular examination of prostitutes. Judith Walkowitz suggests that ‘prostitution was considerably less institutionalised in England than elsewhere and that only a minority of prostitutes resided in formal brothels.’<sup>440</sup> Supporting this argument she quotes Bracebridge Hemyng’s *Prostitution in London*, written in 1861-2: ‘Some of the girls about here live in houses. I don’t; I could never bear it. You ain’t your own master and I always liked my freedom.’<sup>441</sup> Indian streetwalkers, on the contrary, were outside cantonment control, and therefore less frequently examined and presented themselves as major vectors of sexual disease.

### **Implementation of the CDAs in India: The British soldier as ‘victim’ of Indian women**

The ICDA was instituted primarily to protect the health of the British Army in India from venereal infection. The trope of the ‘naive’ soldier exploited by the wiles of Indian women translated into a portrait of innocent venereal casualty. In the opinion of one senior officer in 1861: ‘The soldier is a victim. The ravages of the disease undermines the constitution,

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<sup>439</sup> Basu Roy, “Sexually Transmitted diseases and the Raj”, presidential address to the Medical Society for the Study of Venereal Diseases, 25<sup>th</sup> April, 1997, in *Sexual Transmission Infections, British Medical Journal*, Vol. 74 (1), pp 20-26, February, 1998.

<sup>440</sup> Judith Walkowitz, *Prostitution and Victorian Society: Women, class and the state* (Cambridge: Cambridge University Press, 1982), p24.

<sup>441</sup> Bracebridge Hemyng, “Prostitution in London”, in Henry Mayhew, *London Labour and the London Poor*, Vol. 4, (London: Griffin, Bohn & Co., 1862), p240.

cripples the bodily powers on the march in the field, and predisposes to other diseases, especially rheumatism which affection swells very largely the annual number invalided.<sup>442</sup> This trope of the soldier as the victim of his 'natural desire', was quite accepted by senior officers such as Brigadier Tucker, Commanding Officer of the Rawalpindi Brigade who, in 1863 wrote, 'human nature is human nature, and our men will find means of sexual intercourse other than that authorised as between husband and wife.'<sup>443</sup>

A few years later, in 1864 Norman Chevers, Surgeon of the Bengal Army and professor of medicine at the College Hospital, chaired an enquiry into the health of seamen, from which it appears that the troops who contracted venereal disease were often perceived as the rightful victims in medical documents. 'During their short term of service sometimes more than half their time has been spent in hospital [...] Before reaching the age of 25 [...] these young men have come home presenting a most shocking appearance [...] But they cannot be discharged in their present condition, incapacitated as they are to earn their livelihood, and in a condition so repulsive that they cannot mix with their fellow men.'<sup>444</sup> Similar concern was evident amongst military authorities as within the navy, with reports of a large proportion of soldiers constantly hospitalised and cutting into the strength of the Army.

Western doctors saw themselves as bringing the benefits of civilisation to the ignorant, the ungrateful and, most importantly, the immoral and Western medicine was therefore, according to medical historian David Arnold, 'intimately bound up with the nature and

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<sup>442</sup> Letter Brigadier C. Troop to Assistant Adjutant General, Meerut, No. 262, Agra, 17 May, 1861, quoted in Kenneth Ballhatchet, *Race, Sex and Class under the Raj*, p20.

<sup>443</sup> Letter Brigadier A. Tucker to QMG, Army HQ, (No. 216, Rawalpindi), 29<sup>th</sup> January 1863, *Home (Leg)*, March 1864, Nos 11-13, Part B), OIOC.

<sup>444</sup> Norman Chevers, *Preservation of the Health of Seamen, especially of those frequenting Calcutta and other Indian ports* (Calcutta: Military Orphan Press, 1864) p167.

aspirations of the colonial state itself.<sup>445</sup> Prevention is far more important than treatment in a disease such as syphilis, but the Indian Medical Service and the Army, having accepted that exposure to Indian prostitutes was unpreventable, concerned themselves only with the morality and practical value of the detention and treatment of prostitutes in Lock Hospitals as a means of effective medical surveillance. Whilst Western doctors may have abhorred the soldier's behaviour, they nevertheless sympathised with the same soldier when asked to undergo a male genital inspection. Thus, even sympathy was gendered, for whilst male patients were consoled, female inmates were shown little consideration. In support of this view, the Lock Hospital surgeon in Fyzabad wrote in 1877, 'the 'dangle parade' dents morale, develops coarseness and injures modesty [...] Every passer-by, every native cookboy, often women and children, must know what is going on.'<sup>446</sup> Such scruples and alleged squeamishness appear not to have bothered doctors examining female prostitutes. Levine suggests that in an inversion of the more typically held views of the period, 'it is men's delicacy and modesty that requires protection in this instance, a modesty intimately linked to their refined European sensibilities.'<sup>447</sup> And yet, these same sensibilities were apparently so coarsened that only the provision of permanent *chaklas* within each cantonment could satisfy the soldier's libido.

The perception of 'protecting' the soldier stemmed entirely from the construct of the soldier as a victim. Regulation in India centred entirely on military health, which helped to both justify and consolidate the notion of male sexual needs and the subordinate position of the women they bought. By the late nineteenth century, soldiers who contracted VD were portrayed as victims; or, as anthropologist Judy Whitehead describes, 'innocents seduced by

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<sup>445</sup> David Arnold, *Colonizing the Body*, p9.

<sup>446</sup> P/1338, *4<sup>th</sup> Annual Report 1877*, Fyzabad, No. 97, OIOC, quoted in Philippa Levine, "Venereal Disease, Prostitution and the Politics of Empire", p597.

<sup>447</sup> Philippa Levine, "Venereal Disease, Prostitution and the Politics of Empire", p597.

crafty and amoral Indian prostitutes.’<sup>448</sup> As Stoler further suggests, this image of the injured party was promulgated to counter the potential ‘compromises of the white soldier’s ability to maintain their dignified colonial composure and the threat of exposure to the fiction of European moral superiority, self-discipline and libidinal self-control.’<sup>449</sup>

That the ‘victim’ status was so readily portrayed can be seen through a variety of contemporary reports. During a speech at Calcutta Town Hall in December 1893, (six months after the repeal of Indian sexual regulation), a Bishop James Mill Thoburn described Indian prostitutes as ‘moral lepers, devoted to the propagation of vice in all its forms.’<sup>450</sup> A leader within the Methodist Episcopal Church who served in India for over thirty years, Bishop Thoburn took a similarly dismal view of the whole population, describing the country as ‘a land where a mythology full of unclean traditions and an idolatry with images of unclean deities meet one everywhere. It ought not to surprise anyone to find indications of a low moral tone.’<sup>451</sup> This image of the indigenous Indian was endorsed by comments such as those made by the Health Officer for Calcutta in the early 1870s, C. Fabre-Tonnerre. In a letter to S.S. Hogg, Chairman of the Justices of the Peace, Fabre-Tonnerre described the prostitutes in Chitpur Road (a main Calcutta thoroughfare), as ‘showing such degradation and debauchery.’<sup>452</sup> These prevalent prejudices and assumptions failed to take any account of

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<sup>448</sup> Judy Whitehead, “Bodies Clean and Unclean: Prostitution, Sanitary Legislation and Respectable Femininity in Colonial North India”, in *Gender & History*, Vol. 7, No. 1, (April, 1995), p48.

<sup>449</sup> Ann Laura Stoler, “Making Empire Respectable: The Politics of Race and Sexual Morality in 20<sup>th</sup>-Century Colonial Cultures”, in *Imperial Monkey Business: Racial Supremacy in Social Darwinist Theory and Colonial Practice*, ed. by Jan Breman (Amsterdam: Vu University Press, 1990), p37.

<sup>450</sup> James Mills Thoburn, Bishop, 1<sup>st</sup> December, 1893, quoted in Biswanath Joardar, *Prostitution in Nineteenth and early Twentieth-Century Calcutta* (New Delhi: Inter-India Publications, 1895), p58.

<sup>451</sup> James Mills Thoburn, Bishop, *India and Malaysia: Thirty Three years a Missionary in India* (Cincinnati, OH: Cranston & Curts, 1893), p37.

<sup>452</sup> Biswanath Joardar, *Prostitution in Nineteenth and early Twentieth-Century India*, p11.

religion, class or caste because the authorities treated all Indians as ‘a type’, rather than as individuals. Tonnerre confirms this approach in a Report of 1865: ‘To anyone who knows the habits of the Natives of India, and their indifference to cleanliness, the difficulty of applying the laws of Sanitary Science [.....] will be evident.’<sup>453</sup> As William Moore commented, ‘that classes (soldiers and sailors) [....] will not repress their animal instincts is patent to all aware of the characterisation of such classes. Until a different class of men than is at present the case form the bulk of our army, stringent regulations are required.’<sup>454</sup> Thus, although in favour of legislation, his support was entirely predicated on the baseness of the client, not of the prostitute herself. As late as 1936 the Indian historian Santosh Mukherji was describing the Indian prostitute as ‘beyond the pale of society.’<sup>455</sup>

An 1896 parliamentary enquiry into the prevalence of VD amongst the troops, published in early 1897, revealed that the ‘military strength of the Army was most seriously impaired, with a vast amount of total or partial disablement.’<sup>456</sup> In response to anticipated criticism from Britain, reference was made to an 1894 document advising recent improvements in leisure facilities for the soldiers under the guidance of the Commander-in-Chief, Sleigh Roberts. ‘Recreation rooms, libraries, regimental workshops and active exercise and sport’<sup>457</sup> were now provided. Surely, despite his protestations to the contrary at the 1893 Select Committee of Enquiry in London, discussed in chapter two, Roberts must have had some knowledge of the reasoning behind his authorisation of improvements in facilities? Whilst

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<sup>453</sup> C. Fabre Tonnerre, Report of the Administration of the Calcutta Municipality for the Year 1865, *GOI Home-Public*, August 1867, Nos: 239, 240, Appendix No. 5.

<sup>454</sup> William Moore, *Health in the Tropics; or Sanitary Art applied to Europeans in India* (London: Churchill, 1862), p130.

<sup>455</sup> Santosh Kumar Mukherji, *History of Prostitution in India* (Calcutta: Das Gupta & Co., 1936), p271.

<sup>456</sup> *Report of a Departmental Committee on the Prevalence of Venereal Disease among the British Troops in India*, C-8379, (London: Eyre and Spottiswoode, 1897), p13.

<sup>457</sup> George William Forrest, *The Administration of the Marquis of Lansdowne* (Calcutta: Office of the Superintendent of Government Printing, 1894), p30-31.

the GOI asserted that they had adopted all means possible to protect the soldiers from temptation, the enquiry concluded with considerable empathy with these young volunteers. ‘Among a body of men, mostly very young [ .... ] removed from home ties and restraints into a country where climate and environment conduce to sexual indulgence, comparatively few are able to control the strongest passion in human nature.’<sup>458</sup> Thus did the military authorities blame the Indian environment, rather than colonialism or their aggressive military rule which drew young soldiers into “unhealthy” practices? In facing the need to lower VD infection rates without stemming soldiers’ sexual activities, the regulation of prostitution was seen as preferable to either eighteenth-century concubinage or to marriage, and most particularly, homosexual behaviour.

### **Implementation of the CDAs in India: The Lock Hospital**

The Lock Hospital played a vital and distinct role in the history of the ICDA, which is why closer attention to it and its history reveals many of the broader issues at stake in the colonial attempt to control the spread of VDs amongst British soldiers, the vast majority of whom were single. The system symbolised the twin aims of sexual regulation within the Army, facilitating commercial sex, whilst protecting soldiers from VD.

Amongst the Indian members of the Army, where marriage was unrestricted, VD was found to be less frequent than in European regiments where restrictions applied, with those married soldiers claiming barrack accommodation limited to only 12% of the force in India.<sup>459</sup>

Marriage to British women was regarded as prohibitively expensive, incurring a right to

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<sup>458</sup> *Report of a Departmental Committee on the Prevalence of Venereal Disease among the British Troops in India*, p14.

<sup>459</sup> Kenneth Ballhatchet, *Race, Sex & Class under the Raj*, p35.

housing and transport, particularly when regimental movements occurred. Sir Henry Montgomery Lawrence, an old India hand and Chief Commissioner for Lucknow in the late 1850s, summed up the problem succinctly. ‘Barrack married life is one of the greatest military difficulties. The cost of keeping and moving large numbers of women must always be a bar to the positive encouragement of matrimony.’<sup>460</sup> Thus, despite the evidence of the Indian Army, and whilst recognising that an increase in the marriage ratio might have ‘a good effect on the morality and health of the troops’, a GOI departmental minute of 1893 advised it too expensive and claimed that the ‘real reduction in the number of married soldiers was one of the advantages of the short service commission.’<sup>461</sup>

In the combined effort to both protect and indulge the British soldier, the 1868 government in India followed London, formally sanctioning, as Arnold relates, ‘the medical inspection of army prostitutes and the use of Lock Hospitals for their treatment and detention.’<sup>462</sup> In the use of Lock Hospitals as sites of quarantine, the military in India and authorities in the metropolis employed similar procedures. Arnold further suggests that this was a difficult system to operate effectively for prostitutes evaded them wherever possible. As an example, editorial in the *Indian Medical Gazette* in 1879, whilst describing the Lock Hospital in the Northwest Province as a ‘melancholy chronicle of failure,’ adds a report of a ‘woman believed to have been a source of much mischief, found in the lines, living in a rum barrel.’<sup>463</sup> In ostensibly humorous, but cutting, vein, the article continues; ‘perhaps it would be too much to expect the cantonment committees to report next year that they had equipped so

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<sup>460</sup> Henry Montgomery Lawrence, Sir, *Essays, Political and Military, Written in India* (London: W.H. Allen & Co., 1859), p471.

<sup>461</sup> *GOI Departmental Report*, 9<sup>th</sup> December, 1893, Indian Military Proceedings, March 1894.

<sup>462</sup> David Arnold, *Colonizing the Body*, p85.

<sup>463</sup> K. McLeod, Lock Hospital in the Norwest Province, *Indian Medical Gazette* Vol. 14, No 8, August 1879, p289.

many rum barrels with tenants and established retreats in each grove and *nullah* around, but at all events some variety might be found to counter the odious *CHAKLA* system.’

The police within the cantonments were given special powers to force a woman suspected of having VD to enter the Lock Hospital, particularly those women found in the lines of the European regiments. A Doctor Cole, as Superintending Surgeon of the Bangalore Lock Hospital, averred that Lock Hospitals would always be necessary, positing that, ‘where women are vagrants, prowling about the barracks of European soldiers...they might be arrested...without unduly trenching on the liberty of our subjects, and sent to the Lock Hospital for their own good and that of the community, and detained if they are found to be labouring under disease.’<sup>464</sup> Thus, the Indian Lock Hospital regulation allowed the military police and medical authorities unlimited jurisdiction over any indigenous woman suspected of prostitution. There continues to be speculation as to whether or not a bounty was paid accordingly. In this regard Levine reports native officialdom as perceived to be highly corruptible, and quotes a military communication of 1855 accusing local police of bribery against the threat of detainment in a Lock Hospital. Such threats ‘seldom failed of eliciting a bribe, not to bring upon even respectable women the disgrace of such a process.’<sup>465</sup> In India therefore the ordinance was considerably more wide-reaching and comprehensive than in Britain.

Such establishments were expected to be the essential element of the ICDA and from the start racial segregation was a vital part of the Lock Hospital system, although the insistence on separate buildings, or wards within, makes little sense since VDs were known not to be

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<sup>464</sup>Superintending Surgeon, Dr. Cole, *Madras Military Proceedings*, 26<sup>th</sup> August, 1856, 2132f

<sup>465</sup> Officer commanding Mysore Division to Quartermaster General, 3<sup>rd</sup> July, 1855, OIOC, P/273/41.



infectious. Social historian Chittabrata Palit argues in his analysis of nineteenth-century British public health policy, within the *History of Medicine in India* (2005), that ‘segregation stemmed from the racialist view which treated the indigenous population with contempt for having filthy and unhygienic habits and being the vectors for all kinds of diseases, especially, VDs.’<sup>466</sup> In the physical committal of prostitutes, Levine suggests that this corporeal boundary also ‘had a mental boundary, an expression of the idea that venereal patients were in a distinct category of culpability.’<sup>467</sup>

Surgeons, such as Major Blair Brown, writing in the late 1880s, advised the examination as ‘too cursory to be of any medical use in diagnosis and greatly overbalanced by absurd ideas regarding medical men’s powers of detection and the so-called cleanliness of women.’<sup>468</sup> Arnold agrees with this analysis in suggesting that hospitalising women and then releasing them when temporary lesions disappear was only a temporary type of treatment.<sup>469</sup> He supports his view through the evidence of the 1881 annual report of the Governments of India’s Sanitary Commissioner, J.M. Cunningham, who remarked that ‘year by year, however promising the system seemed to be, it was a failure.’<sup>470</sup> This encouraged a never-ending debate between the doctors who dismissed the moral arguments and outside critics who focused on the coercive and offensive way in which inspections were carried out.

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<sup>466</sup> Chittabrata Palit, “Epidemics & Empire: A Critique of Public Health Policy in Colonial India”, *History of Medicine in India: the medical encounter*, ed. by Chittabrata Palit & Achintya Kumar Dutta (New Delhi: Kalpaza Publications, 2005), p41.

<sup>467</sup> Philippa Levine, *Prostitution, Race and Politics*, p76.

<sup>468</sup> Blair Brown, “The Pros and Cons of the Contagious Diseases Acts”, *Transactions of the Medical and Physical Society of Bombay*, ns., no. 11, 1887, pp91-94.

<sup>469</sup> David Arnold, *Colonizing the Body*, p85.

<sup>470</sup> J. M. Cunningham, *Indian Medical Gazette*, Vol. 18, 1883, p102.

In April, 1897, in a lecture given at the Royal United Service Institution, reflecting on the history of the Lock Hospital, the other major factor prohibiting any diminution in VD infection, was, according to a Major Mayne, clandestine immorality. ‘In every Indian cantonment after dusk the vicinity of European lines is haunted by women of the lowest and poorest class, who though not prostitutes by profession, are willing to prostitute themselves for a lower sum. To bring these women under registration and periodical examination was found to be impractical.’<sup>471</sup> These women drew the soldiers away from the cantonment brothels into the city-centre red-light districts specifically to avoid medical examination and the Lock Hospital. The Major cited the summing up of the Surgeon-General Sir Anthony Home, Principal MO in India for British troops in 1884. ‘It is surely obvious that failure after seventeen years application means nothing more nor less than the hopeless inadequacy of the measure to effect the purposed end.’<sup>472</sup>

In evaluating whether or not the Lock Hospital system was effective, in 1889, the first year in which hospital attendance became voluntary, in the official analysis of Lock Hospitals in this region, the repeal of the ‘odious *Chakla*’ was deeply mourned. The Annual Report states that there had been a ‘progressive rise in admission rates which was greatly accelerated by the total abandonment of restrictive measures’.<sup>473</sup> In reviewing this increase in June 1890, a letter from the Governor of the Provinces to the GOI asserts that from a 30% infection rate in 1887, the 1889 rate was 58%, supported by a medical officer’s comments of one unlicensed

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<sup>471</sup> Lecture, *How far past legislation has proved effective in securing the health of the troops in India, with suggestions as to further legislation*, Major Charles Blair Mayne at Royal United Service Institute, 8<sup>th</sup> April, 1897 (London: Horace Marshall & Son, 1897), pp12 & 22.

<sup>472</sup> Major Charles Blair Mayne, Lecture, p10.

<sup>473</sup> *16th Annual Report of the Workings of Lock Hospitals in Northwestern Provinces & Oudh for year ending 31<sup>st</sup> December 1889*, OIOC, L/MIL/7/13907.

prostitute, prior to her arrest, having communicated a severe form of syphilis to nine different soldiers.<sup>474</sup> Again, the accusation attributes the prostitute as vector.

Could the Lock Hospital system work if predicated on the assumption of the male as victim, the prostitute as vector? It is clear that unlicensed prostitution wrought havoc in the administration of the ICDA, for whilst British soldiers continued to stray beyond the regimental brothels within the cantonment, venereal disease, unchecked among unregistered women, would, in the mind of the military authorities, flourish. If regimental prostitutes were the ‘labour aristocracy’, as described by Banerjee, enjoying better food and standard of living, why then were so many indigenous women concerned to live and ply their trade beyond the cantonment perimeter? Banerjee suggests that to their compatriots’ regimental prostitution, earning a living from a British soldier (*Gora-kamana*), was the worst form of whoremongering.<sup>475</sup> It also involved regular, invasive, medical examination as discussed later in this chapter. The amount of VD rose steadily throughout the period in which the ICDA was in full force, confirming the argument that such institutions did not prevent disease. The introduction of the short service commission, bringing new arrivals, exposed to the ‘dangers’ of consorting with native women, the greater youthfulness of these troops and the ever increasing number of unmarried soldiers, at the very least, challenged the benefits of the system.

The number of admissions to the Lock Hospital did not, in reality, reflect the actual extent of the spread of VD, so many prostitutes remaining outside the remit of cantonment authorities. Indeed, Banerjee asserts that officials ‘constantly complained about the difficulties of making the prostitutes attend the hospitals twice every month, even under police pressure, and about

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<sup>474</sup> Letter, Secretary to the Governor, Northwestern Provinces & Oudh to the Secretary to the GOI, Home-Department, Naini Tal, 5<sup>th</sup> June 1890, L/MIL/7/13907, OIOC.

<sup>475</sup> Sumanta Banerjee, *Under the Raj*, p67.

the women leaving the hospital before completion of their treatment.<sup>476</sup> Their reluctance is scarcely surprising when one scans the hospital medical records for military doctors appear to have gone to extraordinary lengths in their examinations. For example a Cawnpore report shows that women were ‘assembled’ an hour before the arrival of the examining doctor, ‘and seated in a row under the supervision of police, to prevent their cleaning themselves immediately before the examination.’<sup>477</sup> If, in relation to the Lock Hospital method of prevention, we ask the question ‘what’s colonial about colonial medicine?’ we find that colonial-medical power was far larger than previously imagined, ‘operating through a fundamentally coercive set of tactics because it did not have to labour under the task of governing the ‘liberty of the subject, but its obedience.’<sup>478</sup> This emphasis on the invasion of Indian women indicates that the military authorities were far more concerned with targeting supply rather than demand. As is suggested by Douglas Peers in his article ‘Imperial Vice’, in *Guardians of Empire c1700-1964*, this assumption ‘rests on the belief that Indian society itself represented a great threat to the moral health in a situation in which it seemed all but impossible to reform the character of the British soldier.’<sup>479</sup>

### **Implementation of the CDAs in India: Medical Evaluation**

Within the medical profession there was consensus in the general view that VD should be particularly amenable to preventative measures in a community as isolated as the European

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<sup>476</sup> GOI, Home-Public, 26<sup>th</sup> November, 1870. No. 67, OIOC, quoted in Sumanta Banerjee, *Under the Raj*, p156.

<sup>477</sup> Fourth Annual Report 1877, Sitapur, No. 104, V/24/2290, OIOC, quoted in Philippa Levine, *Prostitution, Race and Politics*, p78.

<sup>478</sup> Sarah Hodges, “Looting the Lock Hospital in Colonial Madras during the Famine Years of the 1879s”, *Social History of Medicine* (Oxford: Oxford University Press, 2005), p3.

<sup>479</sup> Douglas Peers, “Imperial Vice: Sex, drink and the health of British troops in North Indian Cantonments, 1800-1858” in *Guardians of Empire: Armed Forces of the Colonial Powers c 1700-1964*, ed. by David Killingray & David Omissi (Manchester: Manchester University Press, 1999), p47.

army. However, doctors could not agree on the reasons for the apparent failure of Lock Hospitals to check the disease. Arnold has pointed out the difficulty: ‘state medicine appeared powerless to devise effective methods of control and simultaneously to cause a public outcry by its clumsy attempts at medical policing.’<sup>480</sup> Arnold further reports an official in the 1880s remarking that the whole operation of the ICDA touched ‘closely on the habits of the people.’<sup>481</sup> This was partly due to the VD problem having specific cultural attributes, which not only ‘touched the people’ but cut at the vitality of the British race. As Sabya Mishra suggests, ‘in an extended form VD symbolised the fear of the occident from the blood of the orient.’<sup>482</sup> This was a deeply felt concern, as one official wrote in 1863: it was ‘impossible to consider without anxiety the enormous extent to which the blood of England is now being tainted with the venereal poison through the country from the Army as its great focus and factory.’<sup>483</sup>

Analysis of the dialogue on either side of the syphilis debate indicates the considerable divergence of medical military opinion with regard to the efficacy of regulation. These debates have their origins in mid nineteenth-century discussions about colonial hygiene and health.

The dangers and difficulties in overlaying Western treatments onto local medicine has recently been explored by sociologist Pradip Kumar Bose who contends that it is impossible to ‘superimpose one medical system onto another because the translocations and translation

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<sup>480</sup> David Arnold, *Colonizing the Body*, p86.

<sup>481</sup> David Arnold, *Colonizing the Body*, p86.

<sup>482</sup> Sabya Sachi R. Mishra, “An Empire ‘De-Masculinized’!”, p171.

<sup>483</sup> Letter Assistant Surgeon A.C.A. Derenzy, B Battery, 19<sup>th</sup> Brigade, Royal Artillery, to Captain A. Callander, Major of Brigade, Mooltan, 13<sup>th</sup> March 1863: *Home (Leg)*, March 1864, Nos. 11-13, Part B, OIOC.

of Western science in the Indian context lead to a displacement of both Indian culture and Western science.<sup>484</sup>

William Moore, whose provocative commitment to Indian sexual regulation was first noted in Chapter Two, was a long established member of the Indian Medical Service (IMS), and responsible for a number of medical tomes on health and disease in India, including (*Family Medicine & Hygiene for India* (1861), *Health in the Tropics* (1862), *Manual of Diseases of India* (1886)). His initial support of sanitary measures related to a check on leprosy, but by 1886, when he was the Surgeon-General for Bombay, he was proposing that ‘since men will be immoral, moral force could not overcome animal instinct.’ Whilst acknowledging that much had been done to improve the conditions and social surroundings of military troops, he felt it was quite impractical, stating that ‘when situated as soldiers and sailors are, that sexual passions will be kept in such perfect control.’<sup>485</sup> He suggested that whilst it was the duty of the state to promote social purity, it was equally its duty to care for those affected with ‘loathsome’ diseases. The opinion that examination exerted a deteriorating moral personal influence on women was, he said, counterbalanced by the good moral and physical results of the Acts. As for the system being unfair to women, Moore maintained that the ICDA ‘was not directed against women as a class, but towards those who were dangerous to themselves and the army. Moore’s constant support for stringent regulation was predicated on the prevailing class issue within the bulk of the Indian army. He summed up the Act’s advantages as prevention and cure of the disease and the diminution of its severity. In addition he advised that, ‘for a young man who cannot marry and who cannot attain to the high moral

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<sup>484</sup> *Health & Society in Bengal: A Selection from Late 19<sup>th</sup> Century Bengali Periodicals*, ed. by Pradip Kumar Bose (London: SAGE, 2006), p17.

<sup>485</sup> William Moore, Surgeon-General in Bombay, “A Memorandum of the ICDA”, Bombay Report 1883-87, LXXVII (October, 1886), pp3-5, quoted in Kenneth Ballhatchet, *Race, Sex and Class under the Raj*, p10.

standards required for the repression of physiological natural instincts, there are only two ways of satisfaction, viz., masturbation and mercenary love. The former, as is well known, leads to disorders of both body and mind; the latter, to the fearful dangers of venereal.’<sup>486</sup>

Whilst on the one hand these discourses legitimised and celebrated the non-monogamous activities of the private, they also expressed a fear of what these activities must lead to.

On the other side, Blair Brown, Surgeon-Major in charge of the station hospital at Colaba in 1887, questioned the absurdity of examining prostitutes week after week, accusing the authorities of interfering with their liberty, and referring to the large class of working prostitutes beyond the confines of the ICDA. Here, Blair confirms the anxieties of the military authorities indicated in the earlier part of the chapter, the notion of uncontrollable, lascivious native females. However, Blair countered Moore’s assertion that regular examination would lead to a diminution of the severity of the disease by describing ‘three generations of public prostitutes who were ‘fat, well-nourished and had saved money.’<sup>487</sup> To the view that there was a cure for the disease, Brown accused the medical establishment of misleading the military, for only a temporary treatment was affected through hospitalisation followed by release when primary lesions had disappeared. In further support of the ICDA, a report in early 1889 by J de C. Atkins, under-secretary to the Governor of Bombay, suggested that when the Indian Act had been suspended in July 1888 (following the Parliamentary ruling instigated by Stansfeld and Stewart), only 2 out of 31 women, until then compulsory detained in a Lock Hospital, had remained voluntarily.

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<sup>486</sup> William Moore, “Memorandum”, October, 1886, quoted in Kenneth Ballhatchet, *Race, Sex and Class under the Raj*, p10.

<sup>487</sup> Blair Brown, “The Pros and Cons of the Indian Contagious Diseases Acts”, p81-94.

Objections to the Act raised by religious and moral bodies were joined by less well known organisations such as the British Indian Association, which, from the mid-1850s, had begun to focus on and build up political consciousness amongst well educated Indians. In an 1887 letter to the Bengali Governor, it suggested that since suspension of the CDA, there had been a large influx of public women in Calcutta city, but no evidence that VD had increased.

Whilst admitting that not all colonial interference was harmful, the Secretary of the Association stated that ‘the Hospital system was wholly repugnant to the feelings of the entire Native community and attended with an incalculable amount of cruelty and oppression in this country.’<sup>488</sup> Reference was also made to the fact even in England where statistics were more reliable and police oppression was at a minimum, the Act had been repealed. The Secretary suggested that a properly organised system of dispensary and hospital relief for everyone would provide a suitable alternative to resumption of the Act.

In Britain, observers were concerned with gaining accurate data about prostitution in India. As discussed in more detail in Chapters Two and, especially, Chapter Four, this lent great weight to the work of the two American observers, Kate Bushnell and Elizabeth Andrew, who visited various cantonments in 1891-2 and reported back their findings to the British parliament. They described the *chakla* as the government brothel, next to which was the Lock Hospital, to which the prostitute was required to go generally once a week for an indecent examination. In their report, *The Queen's Daughters in India*, published in 1899, they called the compulsory examination of prostitutes: ‘itself a surgical rape.’ The report continued: ‘When the woman was found to be diseased, she was detained in the Lock Hospital until cured; when found healthy she was given a ticket of licence (to practice fornication) and

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<sup>488</sup> Letter Babu Peary Mohun Mookerjee, Hon. Secretary to the British Indian Association to the Governor of Bengal, Calcutta, 17<sup>th</sup> November, 1887, L/MIL/7/13815, OIOC.



returned to the *chakla* for that purpose.’<sup>489</sup> The ‘surgical rape’ reported here refers to the use of the Speculum, which was at the heart of moral indignation in both Britain and India. This excruciatingly painful surgical instrument was the most potent symbol for repeal of venereal disease regulation although it was claimed by the British military that in India such examination was inoffensive to native susceptibility.’<sup>490</sup> Thus, whilst British anti-CDA debates focused on the inappropriate invasion of the (British) female body, the Indian woman, as this quotation suggests, was assumed to be immune to this invasion of her body. This attitude underlines the racist debates of the time about pain where non-whites were considered to feel less acutely because of their allegedly more ‘primitive’ bodies. English literary scholar Lucy Bending has examined the imperialist applications of such assumptions, supporting her view with evidence from the writings of Silas Weir Mitchell, an American Civil War surgeon. Mitchell is today best known for his problematic work in psychology where he infamously prescribed women (whom he had diagnosed as hysterics) with a ‘rest cure’ that forbade them all mental activity including reading and writing.<sup>491</sup> Bending points out that Mitchell was one of the key nineteenth-century medical men who argued for the link between the inability to feel pain and a ‘savage’ state, quoting Mitchell’s claim that ‘in our process of being civilised we have won an intensified capacity to suffer.’<sup>492</sup> Bending makes the case that Mitchell’s assumption was typical, arguing that ‘Victorian, white, sane and civilised European Christians constructed a sense of self by saying, I feel pain therefore I am not a savage.’<sup>493</sup>

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<sup>489</sup> Bushnell & Andrew, *The Queens Daughters in India*, p9.

<sup>490</sup> R. Basu Roy, “Sexually transmitted diseases and the Raj”, Presidential address to the Medical Society for the Study of Venereal Diseases, 25<sup>th</sup> April, 1997, p23, *Sexual Transmission Infections, British Medical Journal*, (1998), 74:20-26.

<sup>491</sup> Silas Weir Mitchell, *Fat & blood: an essay on the treatment of certain forms of neurasthenia & Hysteria* (London: Lippincot, 1884), p10.

<sup>492</sup> Silas Weir Mitchell, “Civilisation and Pain”, *Annals of Hygiene*, Vol. 7 (1892), p26.

<sup>493</sup> Lucy Bending, *The Representation of Bodily Pain in Late Nineteenth-Century English Culture* (Oxford: Clarendon Press, 2000), p208.

In contrast, medical practices as applied to the colonial subject often implicitly denied these subjects their humanity. The use of the speculum indicates there was little concern for the feeling patient when it was used. The speculum had initially been promoted by French venereal specialist Philippe Ricord, who, as early as 1833, was quoted in *The Lancet* as ‘maintaining that without the aid of the speculum it was impossible to verify venereal infection.’<sup>494</sup> Mary Spongberg, in her analysis of the Victorian medicalization of the prostitute, suggests that ‘Ricord’s insistence on the use of the speculum emphasised the vagina as a pathological site, a mysterious enigmatic organ, capable of producing secret and dangerous substances.’<sup>495</sup> Although the instrument’s early association with sordid French syphilis wards made it morally dubious, thirty years later, in India in 1868, one sanitary officer declared: ‘it is impossible for a Medical Officer to pronounce with certainty whether a woman is suffering from venereal or not, without an internal examination made with the speculum.’<sup>496</sup>

It seems likely that despite the concern echoed by both British repealers and some members of the medical faculty in both Britain and India throughout the second half of the nineteenth century, the influence of both Ricord and Mitchell sustained the myth that Indian prostitutes, already degraded by their very profession, would be unaffected by such penetration of the vagina. This attitude is reflected in the greater acceptance of the use of the speculum on Indian women.

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<sup>494</sup> *The Lancet*, Vol. 1, (1832-33), p587.

<sup>495</sup> Mary Spongberg, *Feminizing Venereal Disease*: p40.

<sup>496</sup> Sanitary Commissioner, Punjab, 10<sup>th</sup> August, 1868, P/435/62, OIOC.

### British assumptions about Indian prostitutes

As in England, debates about venereal diseases in India were deeply gendered. According to the dominant military discourse soldiers, like other men were seen to have uncontrollable sexual ‘urges’. The enormous reconstruction wrought within the British Army in the transfer of power from the East India Company to the Crown after 1857 was also reflected in the changing hierarchy and perception of Indian prostitutes.

Prior to colonial rule the laws relating to prostitution and social attitudes toward prostitutes were somewhat uncertain. Historian Veena Oldenburg’s research is extremely helpful in revealing the complexities and hierarchical divisions among courtesans prior to the Crown access in the late 1850s. In *The Making of Colonial Lucknow, 1856-1877*, Oldenburg argues that after the Mutiny prostitution became tougher and more competitive as the status of the ‘courtesan’ [*tawai’ifs*] declined into that of the ‘common prostitute.’ In other words these changes ‘redefined prostitutes in terms of their stability and social status.’<sup>497</sup> ‘Where once the highest ranked *tawai’ifs*, patronised by the ruling classes, kept themselves quite separate from the *thakahi* and *randi*, who were uglier and less talented and who therefore catered to the labouring class,’ Oldenburg argues, ‘colonial regulation simply divided prostitutes between registered and non-registered, the latter residing outside the military cantonment and therefore less controllable.’<sup>498</sup>

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<sup>497</sup> Veena Oldenburg, *The Making of Colonial Lucknow 1856-1877* (Princeton, NJ, Princeton University Press, 1984), p137.

<sup>498</sup> Veena Oldenburg, *The Making of Colonial Lucknow*, p136.

Many women who worked as prostitutes produced marriage certificates, whilst others claimed the status of mistress or 'kept woman'. British administrators absolved both wives and mistresses, the latter particularly as they had no wish to offend the class of wealthier Indians, ie those who could afford mistresses. Dancing girls, [*naikins*], who were richer than the average prostitute, claimed kinship with European ballet dancers and frequently exploited the system. The medical establishment excused any failure of the ICDA on the high rate of absconders, confirmed by a report drawn up by the Surgeon-General in Bombay in 1887, in which he 'blamed absconders for the spread of syphilis, even attributing its increase to a single defaulter who had been 'at large' for twenty eight days.'<sup>499</sup>

Prostitutes sometimes fought back through the judiciary rather than through physical avoidance or escape. There were reports, for example from Lock Hospitals as geographically apart as the North Western Province and Calcutta to the effect that 'women employed counsel to defend them,' and a police report in Bellary, in the Madras presidency of southern India, gave account of a woman who had 'successfully appealed her registration to the High Court.'<sup>500</sup> Whenever prostitutes challenged the system they frustrated the ICDA ordinance and contradicted Josephine Butler's portrayal of the helpless Indian sister. But the methods of defiance also contributed to the colonial perception of the ill-educated native response to what the colonial authorities deemed a straightforward system.

In contrast to the CDAs in Britain, the ICDA's were also clearly based on racialised assumptions. They emphasised the notion that 'foreign' i.e. Indian prostitutes were beyond reform. This was succinctly summarised by Charles Trevelyan in 1864 when as a member of

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<sup>499</sup> General Department 1887c, p152, quoted in Ashwini Tambe, *Codes of Misconduct*, p41.

<sup>500</sup> V/24/2290, Letter Major H.D.Cloete, Deputy Inspector of Police, Central Range to Lieutenant Colonel C.S.Hearn, Inspector General of Police, Madras, 4<sup>th</sup> December, 1875, OIOC.

the Viceroy's Council, he suggested that whilst the British CDA afforded an unhappy Englishwoman the opportunity to recover her place in society, in India where prostitutes came from a long tradition, there was no sense of degradation because 'moral standards differ in different countries, and in India the prostitute is a respectable, professional person.'<sup>501</sup> Levine contends that controversy over the ICDA reflected the political and moral assumptions of colonial power, whilst historian Elizabeth Collingham has argued in *Imperial Bodies* (2001)<sup>502</sup> that sexual regulation destroyed what little social intercourse there had been between British and Indian. The colonial state did not debate the moral conception of prostitution as an institution, but it used moral rectitude as a means of organisation, scrutiny, examination and confinement of women in Lock Hospitals. This Western notion of morality centred on practices such as *sati*, child marriage and the *devadasi* system (temple prostitutes) which the British authorities used to justify their intervention through legislation of a society ignorant of the 'modern' conceptions of justice, rights and self-hood. This was, according to Ratnabali Chatterjee, because Britain was not willing to assess Indian social practice as comparable ethics in evaluating their own social conventions.'<sup>503</sup> In the process of asserting the moral differences between women of the metropole and those of the colony, they commodified indigenous Indian women to a point of total 'otherness' and this alienism seeped down into the lower ranks of the British Army, which may partly explain why they, in turn, had so little regard for the indigenous female.

A major difference in British and British Indian attitudes was the conjecture made about Indian women themselves. Whereas debates on prostitution in Britain focused on the

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<sup>501</sup> Charles Trevelyan, *Proceedings of the Council of the Governor General of India*, 1864 (Calcutta: Military Orphan Press, 1865), p105.

<sup>502</sup> Elizabeth Collingham, *Imperial Bodies: The Physical Experience of the Raj* (Cambridge: Polity Press, 2001).

<sup>503</sup> Ratnabali Chatterjee, *The Queens' Daughters: Prostitutes as an Outcast Group in Colonial India* (Christian Michelsen Institute, Bergen, December, 1992), p7.

redemption and reform of the ‘fallen woman’, in India, according to Levine, ‘no such moral precepts cluttered the Indian legislation and little if any talk was heard of redemption and rescue.’<sup>504</sup> On the contrary, the indigenous woman was accused of having voluntarily chosen prostitution, the supposition being that the ‘oldest profession’ was a caste and inheritance issue. Whilst, therefore, a prostitute might be cured of infection, she would have no wish to change her way of life.

Accusations of the culpability of indigenous women were ever present; for example, a report in the *London Quarterly Review* of 1867, in which during a conference on cholera, a D.K. Whittaker ‘blames the disease on recalcitrant Indians, rather than the land,’<sup>505</sup> (which is, of course, a British possession). In his exploration of the cholera epidemic of 1832, Southern Asian historian and journalist Vijay Prashad describes prevailing assumptions in the early part of the nineteenth century: ‘India (*they*) acts as a metaphor for all that the European (*we*) is not. What *they* are, fits for *them*, since it is the natural environment which *they* need ‘in order to prosper’. (For *them* the) filth is not filth.’<sup>506</sup> This conjecture, so damning in its hypothesis, was a fundamental trope in maintaining civilizational boundaries between Indian and British people throughout the nineteenth century. In declaiming against perceived Indian moral degradation, British authorities maintained the moral high ground.

Kenneth Ballhatchet argues that the ICDA was harsher in its application than its British equivalent: women could be detained in hospital indefinitely and no appeal against this

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<sup>504</sup> Philippa Levine, “Venereal Disease, Prostitution, and the Politics of Empire: The Case of British India”, p586.

<sup>505</sup> D.K. Whittaker, “The Cholera Conference”, *London Quarterly Review*, No 27. (Jan, 1867), p22.

<sup>506</sup> Vijay Prashad, “Native Dirt/Imperial Ordure: The Cholera of 1832 and the Morbid Resolutions of Modernity”, *Journal of Historical Sociology*, 7.3. (1994), pp243-60.

detention was allowed.<sup>507</sup> In presenting an argument similar to that found in the British debates, syphilis was perceived as corrupting and contagious, predicated on the belief that disease and prostitutes were ‘foreign’ in nature, infecting British men with disease akin to leprosy. Anne Laura Stoler in turn suggests that contemporary notions of sexual contact between native women and European soldiers resulted ‘not only in the contraction of disease, but debased sentiments, immoral proclivities and extreme susceptibility to decivilised states.’<sup>508</sup> While Stoler focuses on the Dutch colony of Java at the turn of the century, many of her observations about the exercise of colonial power are helpful for understanding British rule over India. In particular, Stoler shows that control of sexual behaviour and a framework of racial primacy were key to establishing a vigorous colonial environment. Hence, as emphasised in Chapter Two, it was essential to separate the soldier (usually classified as ‘poor white’), whose behaviour threatened the very heart of colonial difference, from the indigenous population.

A government report of 1868 is illuminating: ‘in Britain, prostitutes are outcasts, separated by a wide moral and social gulf from the rest of the community. In India, whilst there is a distinct line of separation, the condition of these women is far less degraded and their influence on the community is often considerable.’<sup>509</sup> A contemporary British police officer during the last decades of the nineteenth century confirmed this perception. ‘Prostitutes in India must be viewed from a different standpoint. Prostitutes are treated with a degree of respect, are tolerated and even encouraged to an extent incomprehensible to Western

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<sup>507</sup> Kenneth Ballhatchet, *Race, Sex and Class under the British Raj*, p49.

<sup>508</sup> Anne Laura Stoler, “Carnal Knowledge & Imperial Power: Gender, Race & Morality in Colonial Asia”, in *Gender and the Crossroads of Knowledge: Feminist Anthropology in the Postmodern Era*, ed. Micaela di Leonardo (Berkeley: University of California Press, 1991), p78.

<sup>509</sup> Home Dept. 20th February 1868, Nos. 112-115, quoted in Kokila Dang, *Prostitutes, Patrons & the State*, p191.

standards of ethical thought.<sup>510</sup> Revealing attitudes indeed, which help to clarify the fundamental question on why it became government policy to criminalise indigenous prostitution, removing at once the opportunity for both status and influence.

After 1883, registration for English prostitutes became voluntary, whereas in India, compulsory registration continued. Ashwini Tambe suggests that the Rules for Administration of the CDA in Bombay as set down in 1870 clearly demonstrated their coercive nature. The police were required to note down not only the caste, residence and age of a detained prostitute, but also ‘her complexion and general appearance and any special marks of identification.’<sup>511</sup> The use of the law here was specific to the colonial context, for such an absolute mandate was the characteristic of absolute power, exercised over the colonial subject and no such specificity applied under English law. In contrast, in England only military sites were subject to venereal regulation, whilst in India both civilian and military populations were targeted. Tambe asserts that these differences ‘were a reflection of not only the dominant and nonhegemonic character of the colonial state, but also of the varying political climates in India and Britain.’<sup>512</sup> For example, the rise of the Liberal party and the growing abolitionist movement in Britain, detailed in chapters one and two respectively, made measures applied in India politically impossible in Britain.

Public pressure in Britain, particularly amongst women’s abolitionist groups, forced the repeal of the ICA in 1888. Registration and licensing were stopped together with the rigid lock hospital system. Levels of infection then began to rise, ‘the army becoming extremely

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<sup>510</sup> Augustus Somerville, *Crime and Religious Belief in India* (Calcutta: Thacker Spink & Co. 1966), p1.

<sup>511</sup> Ashwini Tambe, *Codes of Misconduct*, p32.

<sup>512</sup> Ashwini Tambe, *Codes of Misconduct*, p33.



reluctant to abandon all control.<sup>513</sup> A series of ICAs came into effect from 1889 which retained many of the features of the original legislation including regular medical examination of prostitutes, the specific area of abolitionist concern.

There are a number of studies of the sociological and economical conditions which were seen to drive Indian women to sell sex, of which one of the strongest concerns the Hindu tradition of early marriage for their daughters. Indeed Hindi religious practices reinforced to a great extent the stigmatising of prostitution just as did the Christian religious tradition which was so apparent in colonial attitudes towards commercial sexuality. For the British the ‘foreign’ practices of everyday Hindi custom, including *sati*, female infanticide, celibate widowhood and child marriage, served to confirm British attitudes about Hindu nationalists. As a historian of modern India, Tanika Sarkar argues in her study of nineteenth-century domestic Hindu customs, that the iron laws of absolute chastity, austere widowhood and a supposedly proven capacity for self-immolation’ were the essence of conjugal relations.<sup>514</sup> Such welfare issues were used by the colonial government as a way of voicing racial condemnation of Indian ethnicity instead of disapproval of a patriarchal system. This was unsurprising, given the dominant political and cultural ideology in Britain which spawned the GOI, for conjugality in the metropole was based on the apparent primacy of one partner and the total subordination of the other which appeared to replicate the colonial legislation.

The feminist cause in India dealt with particular issues, specifically widow remarriage and male conjugal rights which were centred on early marriage within an age of consent of ten years. The latter had a direct result on prostitution amongst young indigenous girls. Within

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<sup>513</sup> Richard Davenport-Hines, *Sex, Death and Punishment* (London: Collins, 1990), pp175-9.

<sup>514</sup> Tanika Sarkar, *Hindu Wife, Hindu Nation: Community, Religion & Cultural Nationalism* (London: Hurst, 2001), p143.

the *Collected Works of Mahatma Gandhi* there is a report of a sixteen year old girl from Shantipur who was appalled when she saw her fifty year old, grey and vulgar husband. ‘Although initially my desire was to remain righteous and keep up the family’s prestige, I had to take to prostitution when everything went beyond the limit of my endurance.’<sup>515</sup> I would suggest that Gandhi uses this example to illustrate the brutality of patriarchal primacy. A further case, in 1889, concerned a ten year old girl, Phulmani, who was raped to death by her twenty nine year old husband who, under the existing Penal Code of 1860, could not be held accountable.<sup>516</sup> The ensuing public outcry forced a reluctant colonial government to raise the age of consent from ten to twelve years in a Criminal Law Amendment Act in 1891. This was an occasion when the government did intervene, but such mediations were in practice extremely limited in their social effects. The colonial government in effect compromised with indigenous patriarchy which, within the Hindu environment, had considerable hegemony. Whilst British law ruled over the public world of India in criminal law, the personal aspects of Hindu law covering family legislation, were left to Hindu lawyers. Britain was never going to play a radical role in internal Indian religious or racial politics and indeed, kept its distance from such issues. In a notorious case in 1889, for example, where conjugal rights were being disputed the Home Department in Calcutta issued the following declaration. ‘All that it seems necessary or desirable to do is to abolish imprisonment as a means of enforcing conjugal rights, thus avoiding all interference with Hindu laws or customs.’<sup>517</sup> What this case manifests is that the British emphasis on Hindu law focused on highlighting its perceived retrogressive and oppressive nature when compared to English law

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<sup>515</sup> Mohandas Gandhi, *Collected Works*, Vol. 7 (New Delhi: Government of India Publications, 1907), p65.

<sup>516</sup> Chapter XVI, Of Offences affecting the Human Body, *Indian Penal Code* (1860), Item 375, p334, [www.bombayhighcourt.nic.in/libweb/oldlegislation/ipc](http://www.bombayhighcourt.nic.in/libweb/oldlegislation/ipc). (Last accessed 17<sup>th</sup> October 2013).

<sup>517</sup> Judicial Proceedings, *Calcutta Home-Department*, 8<sup>th</sup> April, 1889, NAND.

which was seen as progressive, ( although the law in England itself at this time gave wives few rights).

The GOI appeared to ignore these Hindu family traditions, perhaps because in the metropolis, as Levine indicates, ‘the last decades of the century in Britain were seen as securing a profound change in women’s rights; as serving as a model...which valued a pragmatic humanitarianism, whatever its limitations, over the politics of domination.’<sup>518</sup> Many Englishmen in India were disturbed by these limited, but real gains made by contemporary English feminists and hung on to the stability and structures of Hindu rules, described by Tanika Sarkar as ‘patriarchal absolutism.’<sup>519</sup> This Hindi marital relationship of dominance and surrender was the one relationship which seemed to imitate British colonial management of the Indian sub-continent.

### **Indian women who worked as prostitutes in social and critical context**

British military regulation at one level transformed Indian women’s conceptions of sexuality and therefore their view of the morality of prostitution, and on another level it heralded a distinct shift in state policies concerning prostitution. Underwriting this were some of the many themes developed in European notions about the Orient, of which two seem particularly persistent, the former of specific interest in this chapter. According to Edward Said, the ‘first claimed that the East was a place of lascivious sexuality and the second that it was a realm characterised by inherent violence.’ Whilst these variations originated in the medieval period, ‘they gave the British in the nineteenth century their greatest justification

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<sup>518</sup> Philippa Levine, *Victorian Feminism 1850-1900* (Gainesville, FL: University Press of Florida, 1994), p161.

<sup>519</sup> Tanika Sarkar, *Hindu Wife, Hindu Nation: Community, Religion and Cultural Nationalism*, p39.

for invasion and establishment of control over an alien people.<sup>520</sup> In effect, the colonial experience transformed the traditional way of life of Indian prostitutes into a specific livelihood for certain women. It was not just the British who sought to specify the prostitute: with the developing Indian *bhaldarok* (middle classes) came the image of the prostitute as ‘other’, circulated by a number of Bengali texts with the theme of moral decay.

The primary argument in defining Indian prostitutes in the nineteenth century centred on the question of morality. Were indigenous prostitutes immoral or did circumstance define their apparent immorality? And who made those judgements? Levine suggests that the reigning assumption amongst the British authorities in India was that women were ‘tangibly identifiable as prostitutes; a separate class defined occupationally through their sex.’<sup>521</sup>

Although medical reports confirmed that VD rose exponentially in times of famine, doctors continued to identify a ‘specialised occupational market of women who did nothing else.’<sup>522</sup>

Sumanta Banerjee suggests that the British transformed the ‘sin’ of prostitution into a crime.<sup>523</sup>

This speaks to Levine’s point that all ‘native’ women were potentially considered to be prostitutes. ‘Woman-native-prostitute was an easily assimilated equation, she argues, which encouraged regulation as an urgent and rational defence against a range of tropical dangers.’<sup>524</sup> She suggests that throughout the British colonies, as in Britain itself, the prostitute was specifically gendered as female, substantiating this view with an 1871 report

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<sup>520</sup> Edward Said, *Orientalism* (London: Routledge & Kegan Paul, 1978), p103.

<sup>521</sup> Philippa Levine, “Venereal Disease, Prostitution & the Politics of Empire”, p589.

<sup>522</sup> Philippa Levine, “Venereal Disease, Prostitution & the Politics of Empire”, p589.

<sup>523</sup> Sumanta Banerjee, *Prostitution in Colonial Bombay*, p143.

<sup>524</sup> Philippa Levine, *Prostitution, Race & Politics*, p182.

on CDAs in Cape Town where ‘a male prostitute is a character unknown.’<sup>525</sup> Levine adds that prostitution was as much a ‘discourse about moral authority as it was a pragmatic, if flawed, solution serving the dictates of male desire.’<sup>526</sup> The term ‘prostitute’ however did not give an objective description of an already determined group but overlaid these earlier categories such as the *Devadasi* (temple dancers) and *Baijis* (court musicians).<sup>527</sup> Banerjee, Tambe and Ratnabali all show that an oppressive Western vocabulary replaced the language of traditional cultural practices.

In her analysis, *Prostitution in Nineteenth Century Bengal* (1993), Chatterjee also argues that such categorisation, ‘fixed the prostitute in a social space outside the home, although this was perhaps inevitable in a society in which the ‘good woman was perceived as the iconic representation of the nation’.<sup>528</sup> The process of social exclusion of the indigenous prostitute was adopted by the British for whom such women were ‘a specific category of subjects whose diseased bodies infected the British soldier.’<sup>529</sup> This definitive categorisation ensured that the prostitute was therefore separated from the remainder of the population. Swati Ghosh draws on evidence from the census of colonial India in 1872, which included the ‘regulation of brothels and registration of prostitutes through enumeration by religion and caste.’<sup>530</sup> Ghosh suggests that the recording of births, deaths and number of children in the brothels indicated the anxiety of the British to regulate the private action of their subjects.

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<sup>525</sup> Parliamentary Paper, Cape of Good Hope, *Select Committee of Enquiry appointed by the Legislative Council on Medical Establishments*, July 1871, vii.

<sup>526</sup> Philippa Levine, *Prostitution, Race & Politics*, p193.

<sup>527</sup> Ratnabali Chatterjee, *The Queen’s Daughters: Prostitutes as an Outcast Group in Colonial India*, p3.

<sup>528</sup> Ratnabali Chatterjee, “Prostitution in Nineteenth Century Bengal: Construction of Class & Gender”, *Social Scientist*, Vol. 21. No. 9/11, (Sept-Oct, 1993), pp166 & 162.

<sup>529</sup> Swati Ghosh, “The Shadow Lines of Citizenship: Prostitutes’ Struggle over Worker’s Rights”, *Identity, Culture and Politics*, Vol. 5, Nos. 1 & 2, (2004), p108.

<sup>530</sup> Swati Ghosh, “The Shadow Lines of Citizenship: Prostitutes’ Struggle over Worker’s Rights”, p108.

Kokila Dang, in turn, sourcing her material from North Indian courtesan [*tawa-ifs*] culture in Awadh and Bengal, particularly after British intervention in Awadh, draws a portrait of prostitution, ‘not as marginal or aberrant, but economically rational behaviour determined by specific crises in rural society.’<sup>531</sup> Chatterjee, who has analysed texts on working women in colonial Bengal and the changing roles of women in the latter half of the nineteenth century, focuses on the transformation of agrarian peasants. She describes the large migration from rural to urban locations between 1858-1873 as ‘peopled by widows and rejected wives from low caste families.’<sup>532</sup> Whilst the dominant ideology constructed women as dependent housewives, in reality thousands of women worked simply to survive. This population of agrarian women, displaced by a labour surplus in rural areas, migrated to the cities, finding work only in domestic service or prostitution.<sup>533</sup> Not only were many widows prostitutes, but the line between prostitution and destitution appears to have been very fine. Geraldine Forbes, one of the earliest pioneers of women’s history in modern India, concurs with this analysis, pointing to the transformation of a ‘traditional economic system through colonisation and in the process fundamentally dislocating the village-based economy.’<sup>534</sup> This led to the demise of small-scale services and industries which left many women unemployed.

It was not, however, only low-caste women who were left with little choice but to be financially independent. A large number of unprotected women came from Brahmin *Kulin*

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<sup>531</sup> Kokila Dang, “Prostitutes, Patrons and the State”, *Social Scientist*, Vol. 21, No. 9/11 (Sept.-Oct., 1993), p180.

<sup>532</sup> Ratnabali Chatterjee, *Prostitution in Nineteenth Century Bengal*, p161.

<sup>533</sup> Kenneth Ballhatchet, *Race, Sex and Class under the Raj*, pp125 & 129; Mridular Ramanna, *Western Medicine & Public Health in Colonial Bombay, 1845-1895*, p175.

<sup>534</sup> Geraldine Forbes, *Women in Modern India* (Cambridge: Cambridge University Press, 1996), p159

families, middle class daughters who could not be married off or were widows, considered a liability by their in laws. Sumanta Banerjee suggests that prostitution ‘offered these women escape, having suffered deprivation and humiliation within the cell of *Kulin* obligations.’<sup>535</sup>

In her exploration of the nineteenth-century Maharashtrian reformer Tarabai Shinde, (ca 1850-1910), Rosalin O’Hanlon suggests that in a society where ‘women gained their identities principally as wives and mothers, widows and particularly childless widows constituted a special problem.’<sup>536</sup>

### **Voices of the Indian Women who worked as Prostitutes**

Much post-colonial feminist scholarship has focused on the inability of nineteenth-century Indian women to find their own voices, or rather the lack of evidence of their voices. As Gayatri Chakravorty Spivak has argued in *Can the Subaltern Speak* (1988), colonised societies are constantly re-written as objects of patriarchy or imperialism.<sup>537</sup> Spivak’s text is one of the founding narratives of post-colonial feminism, exploring the role of women within [Indian] colonialism and arguing that the subaltern [subordinate voice] is dependent on Western intellectual interpretation. Within this debate Spivak contends that the specific role of Indian prostitutes foregrounds ‘the ideological construction of gender which keeps the male dominant’ and that if ‘in the context of colonial production, the subaltern has no history and cannot speak, the subaltern as female is even more deeply in shadow.’<sup>538</sup> However, more

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<sup>535</sup> Sumanta Banerjee, *Under the Raj*, p81.

<sup>536</sup> Rosalind O’Hanlon, *Tarabai Shinde and the Critique of Gender Relations in Colonial India* (New Delhi: Oxford University Press, 2000), p29.

<sup>537</sup> Gayatri Chakravorty Spivak, “Can the Subaltern Speak?” in *Marxism and the Interpretation of Culture*, ed. by C. Nelson & L. Grossberg (Basingstoke: Macmillan, 1988), pp271-313.

<sup>538</sup> Gayatri Chakravorty Spivak, “Can the Subaltern Speak?” p287.

recently her views have been questioned as critics have argued that Spivak's approach reinforces the stereotype of Indian woman as passive.

Several scholars have argued that it is possible to gain a sense of who turned to prostitution from traditional oral and related contextual and scholarly sources. David Hardiman, for example, through both archival and fieldwork, has examined the history of the environment and health during the colonial period. He suggests that the validity of oral sources is not that they provide an accurate historical record, but that they 'allow the historian to engage with the subaltern classes' own understanding of their history.'<sup>539</sup>

Sumanta Banerjee in turn suggests that whilst the assumption that poverty or a lack of power to exercise a rational control over their lives drove women to choose prostitution may not always be valid, under British rule the prostitute always remained in exile.<sup>540</sup> To discover the reactions of India's military prostitutes, Banerjee reflects on the voice of the prostitutes themselves in contemporary songs and letters, in which, significantly, there is no sign of the self-pity, penitence or guilt associated with the reports of the American women, Katherine Bushnell and Elizabeth Andrew (who are discussed in full in Chapter Four). This material, Banerjee argues, 'refutes the assumption that these women were dependent and soft, diffident and submissive.'<sup>541</sup> The idiom in the songs is often sexually explicit with words such as *kuttar bhaccha* (son of a bitch) liberally integrated into the texts. From the impressions left by nineteenth-century Indian prostitutes, Banerjee draws an image of a 'multi-dimensional life style filled with trickery and combat where each one sought to carve out a niche for

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<sup>539</sup> David Hardiman, *Histories for the Subordinated*, (New Delhi: Permanent Black, 2006), p100.

<sup>540</sup> Sumanta Banerjee, *Under the Raj: Prostitution in Colonial Bombay* (New York: Monthly Review Press, 1998) p104.

<sup>541</sup> Sumanta Banerjee, *Under the Raj*, p112.



herself.<sup>542</sup> In asserting their right to be taken seriously many prostitutes adopted a provocative method of communication through double-entendre and earthiness, carrying this through their constant battles with British military regulation.

Usha Chakravarty's analysis of contemporary newspaper reports and government official records shows that the wives and daughters of *Kulin* families were frequently mentioned. 'A mid-nineteenth century report estimates that of 12,000 prostitutes in Calcutta, more than 10,000 were Hindu widows and daughters of *Kulin* Brahmins.'<sup>543</sup> There was also a preponderance of Hindu women over Muslims, perhaps explained by widow marriage which was common amongst the latter community, but abhorred in the former. A white civil servant, A. Mackenzie, reporting on prostitution in Calcutta in 1872 pointed out that 'in Bengal the prostitute class seems to be chiefly recruited from the ranks of Hindu widows: women of good caste.'<sup>544</sup>

Voices from within the British medical profession similarly discuss Indian prostitutes in negative terms, associating them with an 'infestation'. A senior British medical officer in Calcutta in 1875 recorded that:

There is perhaps not a military station in which prostitutes under the guise of day-labourers employed in the Department of Public Works, do not infest European barracks and give disease to soldiers.....These women are the terror of military men who have been long in India.<sup>545</sup>

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<sup>542</sup> Sumanta Banerjee, *Under the Raj*, p125.

<sup>543</sup> Usha Chakravarty, *Condition of Bengali Women around the second half of the Nineteenth Century* (Calcutta: self-published, 1963), p97.

<sup>544</sup> Report of A. Mackenzie to H.L. Dampier, Official Secretary to the Government of India, *Home Judicial* No 5829 (17th October 1872), OIOC.

<sup>545</sup> Letter Surgeon Major Arthur Payne, Superintendent Lock Hospitals to Police Commissioner, Calcutta, Nos. 32-34, 4<sup>th</sup> March, 1875, OIOC, *Home-Sanitary*, June 1875,

The British language used here to depict the conditions and lives of indigenous unregistered prostitutes portrayed a disorderly and dangerous babel. The inclusion of words such as ‘infest’ and ‘terror’ add to a narrative of wild abandonment which was contrasted with the class of authenticated prostitutes, discernible not only via their bearing and the yoke of registration, but also by appearance and domicile. It would appear that ‘real’ prostitutes were identifiable, dressing and behaving in certain ways: prostitution in Indian cities defined by outward appearance and authorisation and not only by sexual commerce. This was very different from Britain, where one of the motivations behind the English CDAs was the very fear that the prostitute might not be distinguishable from any other female passer-by in the street. The English prostitute therefore could only be defined and punished through the sexual deed.

In the cities themselves, some of the women who resorted to prostitution were, according to Kokila Dang, ‘*coolie* women (unskilled labourers), *punka* women (fan wavers), and milksellers,’<sup>546</sup> many of whom operated adjacent to, but outside the British cantonments and unrestricted by the military ICDA. The complaints of medical officers within the cantonment indicate their frustration, evident, for example, within a military despatch of 1879: ‘We are aware of the mischief wrought by the coolies and other women whose occupations bring them into the vicinity of the barracks,’<sup>547</sup> and who, by implication, could practice prostitution without public acknowledgement. A number of records from British military authorities substantiate this description of unlimited and ‘unhealthy commercial sex’ at the heart of colonial rule, the barracks. A report from the commander of a Northern army division for instance in 1870 suggests that:

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<sup>546</sup> Kokila Dang, “Prostitutes, Patrons and the State”, p181.

<sup>547</sup> Military Despatch no. 73, 1879, L/MIL/3/152, OIOC.

every poor woman of certain working classes seems available in the neighbourhood of cantonments. Not professionals – no one knows or cares what their practices or means of livelihood are. It is impossible to register all the coolie women who labour near the cantonments and we have learned that these are the women to whom the soldiers resort and from whom they get disease.<sup>548</sup>

This is the voice of commitment to the system of regulation and the accompanying frustrations at its' being thwarted and at those who have become adept at so doing. The language here indicates a sense of detachment from 'coolie' women who are perceived to be as a mass of people which is difficult to contain. Whilst such language chimes with discussions within Britain about the urban poor, the gendered focus of the discourse in India adds a particular dimension to the debates here.

In 1885 the Theosophist Roobgoonday Ragoonath Row described the tribulations of Brahmin widows: 'She is shunned [...] it then becomes necessary for her to sell her body for the sake of bread.'<sup>549</sup> The stigma attached to the families of young widows was frequently reported in the Indian press, as for example, a case written up in the *Indian Spectator* in 1888 where a young widow of a respectable family, was given in marriage when an infant and widowed at eight. She was abducted to Calcutta, 'where she was placed in a house of ill-repute [...] fearing her shame would ruin the character of her family, she would not return home.' Made pregnant and then deserted, she tried to find domestic work, but 'no one would have her and she has been forced to live a life of degradation.'<sup>550</sup>

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<sup>548</sup> Letter G.H. Rickets, Commander Jhansie Divison to C.A.Elliott, Secretary to the Government, Northwestern Provinces, No. 598, 6<sup>th</sup> July, 1870, OIOC, *Home-Public*, December 1870

<sup>549</sup> Roobgoonday Ragoonath Row, *A Review of the Progress of Knowledge of Hindu Law and Customs made among our British Rulers during the past hundred years* (Madras: Higginbottom & Co., 1883), p18.

<sup>550</sup> *The Indian Spectator*, 25<sup>th</sup> December, 1888.

Such historical sources further build on critical studies of Hindu ideas about womanhood.

O'Hanlon, for example, has argued that for Hindus the idea of women marrying for a second time was unacceptable, for how could she be possessed by a man other than her husband.

'Now a widow remarrying is essentially a woman with whom a healthy control over her passions is altogether an impossibility. To espouse to bed a second husband after she has become the wedded wife of a previous one is the highest degradation to which a woman can stoop.'<sup>551</sup>

### **Parliament versus Government of India**

These complex historical and social contexts, and an understanding of the practices by which colonial power was exercised via the medical profession as well as the army, help us to understand the political debates about the regulation of CDs in India, where the British parliament and the GOI went head to head. In January 1863 the same Brigadier Tucker wrote a letter to the Quartermaster General in which he pontificated that 'human nature is human nature, and our men will find means of sexual intercourse other than that authorised as between husband and wife.'<sup>552</sup> This was surely a reflection on the society within which the soldiers lived in which prostitution was institutionalised and the resulting disease affected the image of the soldier's overtly masculine behaviour. According to Mishra this 'created a psychological chasm in the official perception of syphilis.'<sup>553</sup> The image of masculinity dominated the British Army in India and this was the justification for ICDA regulation,

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<sup>551</sup> Rosalind O'Hanlon, "Issues of Widowhood: Gender Resistance in Colonial Western India" in *Contesting Power: Resistance & Everyday Social Relations in South Asia*, ed. by Douglas Haynes and Gyan Prakash (Berkeley, CA: University of California Press, 1992), p86.

<sup>552</sup> Letter Brigadier A. Tucker to QMG, Army HQ, No. 216, Rawalpindi, 29<sup>th</sup> January 1863, *Home-Leg*, March 1864, Nos 11-13, Part B), OIOC.

<sup>553</sup> Sabya Sachi R. Mishra, "An Empire de-Masculinized!", p171.

which protected the troops from the effects of syphilis by controlling the disease which was perceived to derive from the feminine sex.

However, in 1871, in a Royal Commission analysing the ICDA, it was noted that ‘however efficiently the regulations as regards women be carried out, their success in arresting the spread of disease must be very imperfect unless similar precautions be adopted for preventing the men from carrying infection to the women.’<sup>554</sup> Whilst the prevailing military perspective continued to tolerate the male libido of its troops, in 1876 a further Army Sanitary Commission report for the Bombay Presidency was promoting the ‘gradual moral elevation of the soldiers’ with, for the first time, discredit being attached to the regiments themselves.<sup>555</sup> On no other occasion during the following twenty years was the perception of male responsibility for the spread of venereal disease seriously considered.

Following a GOI Memorandum in 1885, the Bombay Government had closed Lock Hospitals in a number of stations to compare resulting data with those still fully maintaining the Act. In a communication to the GOI, Bombay reported that at ‘Ahmedabad, Neemuch and Mhow the result was that not only in all three did VD greatly increase, but the disease was more virulent than in hospitals where the Act still applied.’<sup>556</sup>

Despite Parliamentary repeal of the ICDA in July 1888, there was an almost unanimous revolt against this decision amongst British authorities in India itself. Whilst admitting that as it stood the ICDA was faulty and easy to evade, documents show clearly the support given to

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<sup>554</sup> *Report of the Royal Commission upon the Administration & Operation of the CDAs*, Vol. II, Minutes of Evidence C408-1: 1871: 540-1.

<sup>555</sup> *Report of the Sanitary Commissioner in the Military Cantonments and Civil Stations in the Presidency of Bombay* (Bombay: Government Central Press, 1877), p4.

<sup>556</sup> Letter T.D.Mackenzie, Acting Chief Secretary to the Government of Bombay, to the Secretary, GOI, Home-Department, No. 320, 28<sup>th</sup> January, 1888, L/MIL/7/13815, OIOC.

the Acts and a marked reluctance to either accept the ruling or to make more humane arrangements. In Britain, James Stansfeld and Josephine Butler continued to agitate and, perhaps in anticipation of a Commons decision, there was a particular urgency to much of the correspondence between Indian stations and the GOI throughout late 1887 and 1888 centred on the issue of who was better positioned to assess the military requirements of India. Many of these missives reinforced the military efficacy of the Act, including, for example, a communication from the territory governor of Bassein (Burma) who described the ICDA as a blessing for the whole community. ‘The Chief Commissioner is not aware that the people of Bassein have derived anything but benefit from the enforcement of the Act.’<sup>557</sup> This missive derived, of course, from a British civil servant and such evidence took no account whatsoever of the opinions of the Indian people living in Bassein. Its veracity must therefore be open to question.

One of the most toxic communiqués, from the Government of Madras, sought more stringent regulation asserting that the ICDA were not ‘based on the theory that vice is a necessity to man, but on the theory that the total suppression of prostitution was not practically possible.’<sup>558</sup> Indian prostitutes were accused of making themselves a source of danger of their own free will, not only to the soldiers who consorted with them but to other innocent persons. The Madras authorities could see no just reason for complaint if such women were compelled to submit to examination, for the State must take what precautions it could to prevent them doing more damage. ‘The State cannot prevent prostitution, but it is no more

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<sup>557</sup> Letter H. Thirkell White, Secretary to the Chief Commissioner in Burma, to the Secretary, GOI, Home-Department, No. 716-26S, 30<sup>th</sup> December, 1887, L/MIL/7/13815, OIOC.

<sup>558</sup> Letter, Fort St. George, Chief Secretary to the Governor of Madras to the Secretary, GOI, Home-Department, No. 173, 13<sup>th</sup> January, 1888, L/MIL/7/13815, OIOC.

interference with the liberty of the subject to prevent a woman from propagating syphilis than it would be to prevent her propagating small-pox.<sup>559</sup>

As Stansfeld, Stewart and Butler continued to ramp up opposition to Indian regulation during the early months of 1888, so in parallel did the GOI gather more evidence of the potency of such regulation. In his analysis of the India Office, Arnold Kaminsky argues that the GOI became more and more convinced that it was they who should determine ‘the character and timing of any changes in the governance of British India. If it was politic to give the public appearance of conforming to Parliament – even when steps were being taken to subvert full implementation of directions from home in India – then the establishment within the India Office was willing to do so.’<sup>560</sup> The notion of self-empowerment of the India Office promoted a number of means to keep control of any potential divisions between Parliament and itself, including neutralising both English and Indian press, manipulating Blue Books and controlling various lobbies. This approach was particularly evident throughout the late 1880s and early 1890s in relation to Contagious Diseases regulation, the India Office in effect ignoring Parliamentary dictat. This lack of democracy was particularly apparent in this dislocated relationship between the two factions, the India Office and Parliament itself, with a fundamental effect on repeal of venereal regulation.

Indeed, in a letter to England in 1887, the Indian social reformer Pandita Ramabai suggested that ‘compared to the native society and religion, the English had proved a worse tyrant for

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<sup>559</sup> D. I. Parker, *Practical Hygiene*, L/MIL/7/13815, OIOC.

<sup>560</sup> Arnold Kaminsky, *The India Office 1880-1910* (London: Mansell Publishing, 1986), p200.

women in India.’<sup>561</sup> Rambai’s words make it clear that resistance to the colonial regime certainly existed in India at this time. The ‘tyrant’ referred to by Ramabai was, undoubtedly, the India Office, which, as this research has shown, was perceived as a thorn in the flesh of Parliament. Its constant undermining of the British constitution led finally to the point that in 1894 Lord Elgin, the current Viceroy diminished his own position, arguing that,

it surely cannot be denied that India is governed under the authority of Parliament by a Minister of the Government. He, with the consent of his Council, is the ruler – the Viceroy and his Council are the Representatives of that authority...but they have no right to go against any orders that issue from the Secretary of State....It is my duty to the Queen to carry out loyally the orders that issue in her name.<sup>562</sup>

In understanding this very untypical approach from the highest authority in India, it must be said that the Liberal Lord Elgin was accused by the *Dictionary of National Biography* of a ‘subservience to Whitehall that has, perhaps, no parallel in Viceregal records.’<sup>563</sup> This description was then countered in the updated *ODNB* in which Elgin was described as ‘a better Viceroy than his reputation suggests’.<sup>564</sup> However, his allegiance to the British Parliament was evidently a hugely important strategy in his resolutions.

It was not until Surgeon-Major Blair Brown gave his lecture at the Royal United Service Institute in 1897 that the issue of the male as vector was raised again. Brown crystallised possible reforms by suggesting that vice was not a necessity, that it should not be the duty of any government to make it easier for men to sin and that, should they do so, there must be equal regulation for both men and women. This was very much the focus of Butler and

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<sup>561</sup> Letter, Pandita Ramabai to Dorothea Beale, 22<sup>nd</sup> May, 1887, quoted in *The Letters and Correspondence of Pandita Ramabai*, ed. by A.B. Shah (Bombay: Maharashtra State Board for Literature and Culture, 1977), p178.

<sup>562</sup> Letter *Lord Elgin to Sir Arthur Miller*, 7th November, 1894, EP F. 84/65, OIOC.

<sup>563</sup> *Dictionary of National Biography* (1912-1921), quoted in P.L. Malhotra, *Administration of Lord Elgin in India, 1894-1899* (New Delhi: Vikas Press, 1979).

<sup>564</sup> *ODNB*, [www.oxforddnb.com/view/article/32136](http://www.oxforddnb.com/view/article/32136). Last accessed 11<sup>th</sup> February, 2014.



Stansfeld's original deputation: however the army in India continued to refuse to consider any routine examination of men until the First World War.

Throughout the later nineteenth century, contemporary feminists in Britain continued to oppose the ever increasing role of the state in legislating on marriage and divorce, prostitution and venereal disease.

### **Reactions of British Repealers to events in India**

British repealers, in the voice of Josephine Butler, emphasised 'the terrible truth concerning the treatment of certain Indian women, our fellow-citizens and sisters, by the British government.'<sup>565</sup> For the first time the term 'native' was replaced by 'Indian women' in British records, and the protesting voices thereby claimed a solidarity with a set of people whom official concern in India had always appraised negatively. Yet at the same time, British feminists saw a difference between British and Indian women, continuing to acknowledge and even to enforce dominant ideas about Indian prostitutes as a marginal and outcast group. For while Victorian feminists considered the 'emancipation of Indian women as an extension of their own domestic campaigns to uplift women,' they also articulated their views in terms of 'saving' Indian prostitutes from their own culture and society, a view predicated on the presumed inferiority of that society.<sup>566</sup> In this way Indian women were appropriated and commodified by Victorian feminists in a way that emphasised the differences between East and West.

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<sup>565</sup> Josephine Butler, "Preface", *Queens Daughters in India*, Bushnell & Andrew (London: Morgan and Scott, 1899), p4.

<sup>566</sup> *The Queen's Daughters: An Anthology of Victorian Feminist Writings on India, 1857-1900*, ed. by Penelope Tucson (Reading: Ithaca Press, 1995), p5.

Western feminist scholarship has frequently chosen the construction of nineteenth-century prostitution in both Britain and the Empire as a referent in colonial studies and feminist history. Influential analyses of the relationships between feminism and colonialism in the nineteenth century included Antoinette Burton's study, *Burdens of History: British Feminists, Indian Women and Imperial Culture, 1865-1915* (1994), and Vron Ware's *Beyond the Pale: White Women, Racism and History* (1992). Burton does not gainsay Butler's achievements in transforming the dominant hegemony of male privilege and chauvinism. However, she does accuse repealers, including Butler, of deploying an image of Indian prostitutes and Indian women in general in keeping with the orientalism of Empire – that of Indian women as backward, helpless and subject to barbaric tradition.<sup>567</sup>

Underlying Burton's argument is the suggestion that Butler was suffused with an imperialist racial superiority, and that the 'very existence of her feminist movement depended on the racialised construct of the colonial Other.'<sup>568</sup> This particular construction of colonial womanhood is defined by Burton as 'a crucial means by which feminist imperial status was itself experienced and reaffirmed.'<sup>569</sup> It certainly reasserted the familiar ring of British superiority. Is Burton correct in asserting that Josephine Butler and her colleagues exploited Indian women as a vehicle for justifying their own demands for greater deposition in the British public sphere? Certainly, within publications such as the *Englishwoman's Review*, a nineteenth-century feminist journal, there were few references to the success of contemporary Indian women and those that did exist were in very small print. Burton places considerable emphasis on the fact that many British feminists, including Butler herself, never visited India and that their interpretation of Indian women was therefore at a distance.

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<sup>567</sup> Antoinette Burton, *Burdens of History: British Feminists, Indian Women & Imperial Culture 1865-1915* (Chapel Hill, NC: University of North Carolina Press, 1994), p106.

<sup>568</sup> Antoinette Burton, *History Workshop Journal*, Issue 55 (Autumn, 2008), p185.

<sup>569</sup> Antoinette Burton, *Burdens of History*, p105.

Vron Ware in turn asks whether or not it was ‘possible to be a feminist and simultaneously to have an alternative view of popular imperialism’, concluding that ‘Butler did not have a vision of liberal politics’, but continued to view the Empire as a Christian and civilizing power.<sup>570</sup> Butler’s philanthropic imperialism in relation to the ICDA was clearly driven by her strong recognition of the notion of ‘sisterhood’. In 1892 she wrote: ‘the sufferings of our Indian sisters are rarely absent from my thoughts.’<sup>571</sup> Burton argues that the sisterly identification grew out of Butler’s ‘equating a commonality of gender with knowledge about Indian women’s lives.’<sup>572</sup> This knowledge, however, was either second hand or obtained through the accounts of Bushnell and Andrew, necessarily drawn from Indian prostitutes themselves, which in turn causes Burton to suggest that ‘the truth about Indian women is extremely problematic.’<sup>573</sup> The problem lies in the dichotomy between Butler’s Christian feminist principles together with a sense of racial and cultural superiority, deeply embedded in her historical background, and her own notion of imperial responsibility, in which she and other British repealers portrayed Indian women as equals. Certainly, from 1888 onwards, when it became clear that despite the apparent repeal of the ICDA the cantonment system continued in India, Butler fought energetically through her leadership of the LNA, for the rights of indigenous prostitutes.

Although she condemned the ‘imperially imposed degradation’ of Indian women under cantonment regulations, she did not condemn British imperial rule *per se* and whilst Butler undoubtedly criticised aspects of the methodology of the colonial government in India, she

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<sup>570</sup> Vron Ware, *Beyond the Pale: White Women, Racism & History* (London: Verso, 1992), pp161-163.

<sup>571</sup> Josephine Butler, *The Dawn*, June, 1892, p5.

<sup>572</sup> Antoinette Burton, *Burdens of History*, p164.

<sup>573</sup> Antoinette Burton, *Burdens of History*, p164.

certainly appeared to condone its presence.<sup>574</sup> Similarly, at no time did either Katherine Bushnell or Elizabeth Andrew suggest that imperialism operated on a faulty set of premises, merely demanding a more ethical imperialism.

## Conclusion

By re-examining the military, medical and moral debates of VD regulation in India, this chapter has provided a context for the ICDA and drawn out some of the similarities and differences between such jurisprudence in India and at home. This analysis indicates that the ICDA tapped into many of the racist stereotypes about women that circulated in the nineteenth century, including issues such as the perceived lesser sensitivity of pain of Indian women. But the debates also show a heightened concern with issues of male British masculinity, which was to some extent thought to be under threat by the natural environment posed by the Indian colony. In India, by contrast, the British government took the entirely opposite view: a non-interventionist policy in Hindi sexual and conjugal customs, which left the female population adrift and vulnerable.

This chapter thus supports Anne McClintock's argument that 'sexuality as a trope for other power relations was an abiding aspect of imperial power.'<sup>575</sup> It has shown that as an epidemiological measure, the ICDA must be judged a failure because the unyielding British military attitude towards indigenous women continuously portrayed them as the single vectors of disease. Legislation which simultaneously suggested that the disease could also be passed from men to women with regard to the heredity of their families in Britain was inherently defective as long as it promoted only the examination of Indian females. The

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<sup>574</sup> Josephine Butler, *The New Godiva: A Dialogue* (London: W. Isbister, 1888), p13.

<sup>575</sup> Anne McClintock, *Imperial Leather* (London: Routledge, 1995), p14.

chapter has furthermore made clear that questions about the ‘true nature’ of VDs in India were central, and how to obtain accurate information remained a concern for both doctors and politicians. This information gathering required both specialist and lay input, and it is here that Stansfeld would come to play an important role.

## **Chapter Four**

### **Bearing Witness in India**

Where chapter three has mapped out the broader issues at stake in debates about VD in India, this chapter examines more closely how knowledge about the spread of VDs in India was produced by British anti-CDA campaigners. Specifically it investigates in more detail the contribution to the repeal of Contagious Diseases legislation of the two American missionaries, Dr. Katherine Bushnell and her companion, Elizabeth Andrew, who travelled to India in late 1891 to examine the spread of VDs in the country. Bushnell and Andrew had been tasked to collect this crucial evidence on behalf of James Stansfeld's British Committee for the Abolition of State Vice in India. They entered the scene at a crucial moment in the debates about ICDA when repealers such as Stansfeld and Butler had become suspicious that regulatory measures continued in India despite the repeal of the ICDA in 1888. Stansfeld and Butler, distrustful of British official narratives about the situation in India, asked Bushnell and Andrew to travel to the country. During their trip the women visited ten cantonments over a period of three months, with little or no assistance from the British authorities. Their evidence, presented to the 1893 Select Committee of Enquiry, provided the fulcrum of that Enquiry, resulting in the full repeal of sexual regulation in India. The voices of these two women, and corroborating evidence of their Indian journey collected the following winter by the newspaper proprietor and radical liberal, John Hyslop Bell, present the official conclusion of Stansfeld and Butler's journey to secure the rights of prostitute women in both Britain and India.

In what follows, I will examine Bushnell and Andrew's Indian journey in the context of their life work. They met in Chicago in the late 1880s whilst working for the Women's Christian Temperance Union (WCTU), which was presided over by Frances Willard whose views would have a considerable impact on Bushnell and Andrew. Therefore, whilst the main part of this chapter is concerned with Bushnell and Andrew's Indian narrative and its influence on both Stansfeld and the British repeal movement, the chapter begins with an extended discussion of the origins, ideology and development of the WCTU, as well as Willard's role within it, before exploring in detail Bushnell and Andrew's journey to India and its impact on the British repeal debates. I argue that while, unlike Stansfeld and Josephine Butler, whose connection to this investigation was a lifetime commitment to the repeal of Contagious Disease legislation, Bushnell and Andrew's contribution was brief, their contribution nevertheless proved to be fundamental to the changing regulation of venereal infection.

### **Bushnell, Andrew and the Nineteenth-Century American Women's Movement**

Both Bushnell and Andrew played an important role in the WCTU. Bushnell (1855-1945) was born in Peru, Illinois and christened Caroline Sophia. The date is confirmed by the 1860 Illinois census, where she is shown as aged five years and the seventh of nine children born to William, a carpenter, and Mary, a housekeeper.<sup>576</sup> No details remain of why or when she changed her forename to Katherine. The Bushnell family were all members of the Methodist Episcopal Church (MEC) which, by the middle of the century, was the largest religious denomination in America, always associated with a rising middle-class and the guardian of 'American-ness'. Seen as a bulwark of American virtues threatened by an influx of Catholic and Jewish immigrants, MEC identified with the factory manager rather than the largely

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<sup>576</sup> *La Salle County, Illinois Federal Census*, Peru Public Library Historical Collection, Ref: LH 929 LAS V. 2V. 2.

immigrant workforce. From the 1870s onwards most Methodist denominations, including MEC, played an active role in temperance issues, dominating for example the WCTU. Members of MEC were more interested in social behaviours than theology, but also believed that the future success of America depended on the spread and eventual triumph of evangelical Protestantism, with the Bible at the heart of their dissemination. MEC Doctrine can be summed up as: ‘Holy Scriptures contain all things necessary to salvation; so that whatsoever is not read therein, nor may be proved thereby, is not to be required of any man.’<sup>577</sup> This environment shaped Bushnell’s early years, the emphasis on American integrity and rectitude mirroring the Bible’s precepts and no doubt contributing to the cultural imperialism which pervaded the country at that time.

Bushnell, who died in 1946, was a driving force and central figure in WCTU’s Social Purity Campaigns. From this Methodist background she completed a medical degree in Chicago, and after a brief internship worked as a medical missionary in China for three years before returning to America where she eventually joined Willard in Chicago as the National Evangelist of the Social Purity movement. Following the opening of the Anchorage Mission for vulnerable girls in Chicago, she investigated prostitution amongst huge lumber camps in Northern Wisconsin and became a Round-the-World Missionary for the World’s WCTU.

Elizabeth Andrew (1845-1917), in contrast, was the widow of a minister in the Methodist Episcopal Church of America, who having trained initially as a teacher had charge of Mount Vernon Seminary, an institution in Washington D.C., where daughters of governors and members of Congress and others in senior positions were trained. She was also a journalist and long associated with the editorial staff of the *Union Journal*. When, as a result of

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<sup>577</sup> Methodist Episcopal Church, *Doctrines and Disciplines of the Methodist Episcopal Church* (New York: Nelson & Phillips, 1876), p16.



W.T.Stead's action on social purity in Britain, the WCTU formed their own department, Elizabeth Andrew, as editor of the literary work, brought out a number of books and pamphlets bearing on this issue. The publication, *The Christian*, described her as a person 'whose thoughts were always brought to bear on this terrible problem, and her sympathies were roused for positive aggressive effort.'<sup>578</sup> Andrew worked with Bushnell in Chicago at the Anchorage Mission, a professional friendship that eventually led the two women to journey to India on the behalf of British repealers.

Bushnell and Andrew's work must be understood in the context of the WCTU. Founded in 1874 in Cleveland, Ohio the WCTU was America's largest women's reform organisation of the nineteenth century. Its dual thrust as both a temperance reform movement and as a force for women's emancipation encouraged rapid membership growth, particularly amongst evangelical Protestants, and was strictly limited to women. Its initial focus was abstinence through moral persuasion, for alcoholism was perceived as both a consequence of, and a precursor to, larger social reform issues. However, when Frances Willard became president in 1879 and the organisation moved to Evanston, Illinois, a suburb of Chicago, its activities broadened to include many women's rights reforms. Its manifesto opposed the spread of alcohol and opium into Africa and Asia, attacked the trade in women for prostitution, supported world peace and the improvement in the legal position of women throughout the world. In the 1880s it became an international organisation working for prohibition and women's rights around the world.

The Anglo-American roots of the WWCTU fastened onto a fixed cultural concept of total abstinence within a Christian Protestant environment. In most European countries, female

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<sup>578</sup> *The Christian*, 1<sup>st</sup> June, 1893, p17.

emancipation was seen as a rebellion against organised religion, and, as Tyrell suggests, a dabbling in free thought and questioning of conventional bourgeois morality.<sup>579</sup> This suggests that it would not be easy for temperance women, who insisted on abstinence and the use of the English language, to gain hold in many European countries. Most fellow European temperance groups preached moderation rather than abstinence. Thus, the strength of the WCTU came to the fore only where Methodism and Wesleyanism were the dominant faiths, for in many European countries of predominantly Protestant belief, both Catholics and Protestants drank wine liberally.<sup>580</sup> How then could temperance missionaries operate as Christian critics of Christianity? Perhaps exactly through their claims - of universality and cross-national appeal. How were they selected, this diverse group bonded by a commitment to temperance, Christianity and a will to travel? Some, like Katherine Bushnell, who was a close colleague of Frances Willard, had actually been missionaries in China, before returning to America, only to take up the WWCTU appointment. Others, like Elizabeth Andrew, had a journalistic background, having been on the editorial staff of the *Union Signal*, the publication of the WCTU, for eight years. Most had an above average education, a quarter of whom had been to college and one at least, Bushnell, was a doctor, specialising in women's medicine. The majority of these women were either single, having never married, or widows or divorcees and none of them had children.

Although the evident focus of the WCTU was its Protestant evangelicalism, which found strong adherence amongst Anglo-Americans, it made little impact beyond the world of Calvin and Wesley. The mid nineteenth century was a critical point in terms of immigration into the United States, and of the newly immigrant communities, few Catholics and fewer Jews supported the Union. Endorsement by Muslims or Hindus, even given their own

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<sup>579</sup> Ian Tyrell, *Woman's World: Woman's Empire*, p68.

<sup>580</sup> Ian Tyrell, *Woman's World: Woman's Empire*, p65.

cultural and religious sanctions regarding abstinence, was also minimal, perhaps daunted by the middle class and traditional aspects of the WCTU. The organisation was international in outlook, and indeed one of its main departments was named the Women's World Christian Temperance Union, (WWCTU), but its success in garnering support in Europe was limited. In Scandinavia, for example, even within a Lutheran Protestant environment, few women could be enlisted to support total abstinence. This could be explained by the conservative nature of Scandic countries where, according to a WWCTU representative at an Australian conference in 1888, 'women have as yet done but little.'<sup>581</sup> Reluctance in the rest of Europe is harder to decipher. However, the international dimension of the work done by the WWCTU helps to explain why Bushnell and Andrew came to Britain and undertook an assessment of the treatment of Indian prostitutes under British military occupation, collecting vital evidence for the repeal of the Indian Contagious Diseases Acts.

Frances Willard was a central figure in shaping the WCTU from the late 1870s onward. Born in New York State in 1839, an initially peripatetic family life led to an education at Northwestern Female College in Evanston, a young village north of Chicago, dominated by Methodism. Willard taught at several institutions for some years, for as she herself stated, 'not to be at all, or else to be a teacher, was the alternative presented to aspiring young women of intellectual proclivities...who wished to be independent, when I was young.'<sup>582</sup> In a 1906 history of Evanston and Northwestern University, the editors confirmed her position as a Professor of Ethics, describing Willard as 'that brilliant woman who did not tarry long in

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<sup>581</sup> *Temperance in Australia: The Memorial Volume of the International Temperance Convention, Melbourne, 1888* (Melbourne: Temperance Book Depot, 1889), pp166-7.

<sup>582</sup> Frances Willard, *Glimpses of Fifty Years, 1839-1889: The Autobiography of an American Woman* (Boston, MA: Geo M. Smith & Co., 1889), p133.

educational work. She was calculated for leadership rather than service in the ranks, and chafed at the restraints of a conservative Board of Trustees.<sup>583</sup>

Willard went on a world tour in 1868, and was then elected as President of Evanston College for Ladies in 1870. In 1873 the College merged with Northwestern University to become the Woman's College of Northwestern University with Willard appointed as Dean.

Northwestern was sponsored by the Methodists who pioneered both co-education and the admitting of women to study on an equal playing field with men. Willard resigned a year later, discovered the temperance movement, and took the presidency of the Chicago branch of the WCTU in 1874 and the presidency of Illinois State WCTU in 1878, immediately orchestrating a campaign for local suffrage, called the 'Home Protection Ballot'. This early attempt to combine temperance with suffrage at a local level failed, but did not prevent her further attempts throughout the remainder of her active life. In 1879 she became president of the national WCTU. Willard described her decision to join the temperance movement in 1874 as life-changing:

instead of peace I was to participate in war; instead of the sweetness of home, I was to become a wanderer; instead of libraries I was to frequent public halls and railway cars; instead of scholarly and cultured men I was to see the dregs of the saloon and gambling house and haunt of shame. But women who were among the fittest gospel survivals were to be my comrades.<sup>584</sup>

Willard's recollection neatly summarised the tasks and conditions of the worker within the social purity environment, and her portrayal of her fellow female campaigners echoed that of Josephine Butler in England at that time.

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<sup>583</sup> *History of Northwestern University and Evanston*, ed. by Harvey B. Hurd and Robert D. Sheppard (Chicago: Munsell Publishing Co., 1906), p82.

<sup>584</sup> Frances Willard, *Glimpses of Fifty Years*, p343.

Willard's work is closely linked to that of Bushnell and Andrew in a variety of ways. Some scholars have debated whether or not these women had intimate relationships with each other. For example, Ruth Bordin, in her biography of Willard, suggests that 'Willard and her circle fitted easily into the pattern of "homosocial" relations common enough among women of her social background, and their physical and moral proximity did not imply any commitment to genital sex between women.'<sup>585</sup> Lillian Faderman, in turn, has explored the intimate relationship between these women, arguing that their status as unmarried women meant they were more likely to succeed as agitators for change than their peers who were confined by marriage and motherhood. It is debatable whether or not these women were identified as lesbian in the contemporary sense of the word. More pertinent is Faderman's suggestion that Willard had a 'protean ability to play with gender rather than be imprisoned by it, as nineteenth-century women often were.'<sup>586</sup> For there is little evidence that Willard thought of herself as one of Havelock Ellis's "Sexual Inverts"<sup>587</sup> and openly confessed her romantic friendships with women, perhaps, as Faderman asserts, 'as a sign of the relative innocence of her era.'<sup>588</sup> 'While some of these friendships may have involved homoerotic relations, others did not. What is of interest for my own investigation here is how Willard and others talked about sexuality and gender, family and politics.

Willard and her colleagues did not seem so concerned with taking women out of the circumscribed context in which they lived, and their interests were not with establishing alternative female same-sex lives *per se*, but in emphasising the need to use all their powers to the full in both domestic and benevolent roles. Sociologist Janet Giele who compares them

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<sup>585</sup> Ruth Bordin, *Frances Willard: A biography* (Chapel Hill, NC: University of North Carolina Press, 1986), pp44-47.

<sup>586</sup> Lillian Faderman, *To Believe in Women: What Lesbians have done for America – A History* (New York: Houghton Mifflin, 2000), p33.

<sup>587</sup> Havelock Ellis, *Sexual Inversion* (London: Wilson & Macmillan, 1897).

<sup>588</sup> Lillian Faderman, *To Believe in Women*, p33.

to 'radical' suffragists, has argued that: 'temperance women were consolidators, using women's power in female roles which were already accepted as such.'<sup>589</sup> Temperance women appeared more pragmatic perhaps than the suffragists who developed a totally new public role for women. This is indicated by the fact that attention amongst temperance women was therefore paid to charitable work, nursing or social purity and not education or employment advancement. Although Willard's energy translated into numerous speeches in which, in her own words, the 'organised, harmonious and vigorous figure of womanhood' triumphed over the 'isolated, segregated, passive view of womanhood,'<sup>590</sup> most temperance women were unaware of the problems of working women and emphasis was placed on a single moral standard, what Willard called a *White Life for Two*. Willard expected men to conduct themselves as did women and, according to literary editor Barbara Epstein's exploration of Victorian morality within the context of the WWCTU, 'a White Life meant establishing an equality between the sexes, elevating the position of women by placing restraints upon sexuality, supposedly a primarily male interest, and praising the moral role of women in both family and society.'<sup>591</sup>

### **Willard's Contribution to Social Purity and 'A White Life For Two'**

Willard's work on marriage provides an important background to understanding the social purity work of Bushnell and Andrew. Willard wrote a pamphlet *A White Life for Two* (1890) which became the cornerstone of the Social Purity movement within WCTU, Willard asserting that for sexual equality to be equal, all men must adopt a white life; lifelong

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<sup>589</sup> Janet Zollinger Giele, *Two Paths to Woman's Equality* (New York: Twayne Publishers, 1995) p69.

<sup>590</sup> Frances Willard, *Women and Temperance* (Chicago: Woman's Temperance Publishing Association, 1883), pp345-356.

<sup>591</sup> Barbara Leslie Epstein, *The Politics of Domesticity* (Middleton, CT: Wesleyan University Press, 1981), p126.

abstention from alcohol, chastity before marriage and sexual monogamy within. She saw suffrage as a means to bring about temperance and social purity. ‘The fire of the woman’s ballot will burn out the haunt of infamy and build in the single standard of a white life for two.’<sup>592</sup>

The *White Life* pamphlet chimes with the aims of the social purity movement because it was in essence an acknowledgement of the sexual nature of society, which included rape, the age of consent and sexual mores. It championed marriage and indeed it was a homily to marriage, in which Willard recommended that both sexes practice not only virginity outside marriage, but sexual restraint within it as well. ‘There is no man whom women honour so deeply and sincerely as the man of chaste life: the man who breasts the buffetings of temptation’s swelling waves...and makes a portal of perfect self-control.’<sup>593</sup> The issue of marriage raises personal questions about Frances Willard, for although briefly engaged at twenty one to a seminary student, she only ever developed long term relationships with a select female entourage, and wrote this pamphlet as a single woman of fifty-one years of age. This would indicate that despite Bordin’s interpretation to the contrary, and complicated by her journal, *Writing Out my Heart*, written in her teens, twenties and fifties, Willard was of a passionate nature in her relations with other women. In the journal, which gives a vivid account of the turmoil in which she found herself as an engaged woman, she says; ‘the culture (ie the physical display of affection), has always been a bone of contention. ‘I know that with Mary (Mary Bannister, her closest friend), I greatly like such things. That is all. It

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<sup>592</sup> Frances Willard, *A White Life for Two* (Chicago: Women’s Temperance Publishing Association, 1890), p47.

<sup>593</sup> Frances Willard, *A White Life for Two*, p3.

don't seem 'nice' to me from Charles (her then fiancé).<sup>594</sup> When Mary then married Willard's brother, Oliver in 1862, Frances's agony is palpable: 'it is Mary that I want, only Mary.'<sup>595</sup> This would certainly imply that Willard desired a relationship with Mary which went beyond friendship and was likely to be 'lesbian' in nature. Within a short while, she was living with another close family friend, Kate Jackson, daughter of a rich industrialist, with whom she travelled throughout Europe and the Middle East from 1868-70. In the mid-1870s, when this relationship ended Willard then shared the greater part of her adult life with Anna Gordon who became her personal secretary, confidante and close companion. In the late nineteenth century it was not uncommon for two unmarried women to share a home. Such relationships known as 'Boston marriages', offered middle-class women a socially acceptable alternative to traditional marriage. The term is associated with Henry James' novel, *The Bostonians*, which introduced this Victorian euphemism for a long-term intimate relationship between women. Historians of sexuality have examined this phenomenon, and Willard's social purity campaign shows that women who loved women were not necessarily 'progressive'.

Always allied with temperance, Willard was the driving force in establishing in 1877 the Committee for Work with Fallen Women which began trying to convert prostitutes to evangelical Christianity and teetotalism. In 1883 the emphasis changed, as did the name, the Committee now known as the Department for the Suppression of Social Evil and in 1885 it evolved further into the Department for Social Purity which encouraged prevention rather than suppression. These name changes are extremely pertinent, for they reflect the move from religion to science during the nineteenth century, the ever developing prominence of the

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<sup>594</sup> Frances Willard, *Writing Out my Heart: Selections of the Journal of Francis Willard, 1885-1896*, edited by Carolyn de Swarte Gifford (Urbana, IL: University of Illinois Press, 1995), p155.

<sup>595</sup> Frances Willard, *Writing Out my Heart*, p 29.



latter being a constant trope of this enquiry. The thrust was that ‘intemperance and impurity are iniquity’s Siamese twins.’<sup>596</sup> Willard was clearly influenced by W.T. Stead’s revelations in the *Pall Mall Gazette* in 1885, whose contribution to CDAs I discuss in Chapter Two. She credited these reports with her own awakening on the issue. ‘It was the moral cyclone that attended the *PMG* disclosures which cleared the air and broke the spell, so that silence now seems criminal and we only wonder that we did not speak before.’<sup>597</sup> Willard’s link with Stead indicates the transatlantic dimension of sexual debate – even as for her sex was primarily associated with sin and the universality of evil. Of particular concern was sex outside marriage and not for the purpose of procreation. Behind this were a sense of personal violation and the significance of preserving the purity of the body from external assault. According to Frances Giele the WCTU ‘presaged modern feminist discoveries that alcohol abuse, prostitution, pornography, cruelty and the delinquency of women are often linked.’<sup>598</sup> In her autobiography, Willard states that the ‘special aim of the Department of Social Purity will be to trace the relationship between the drink habit and the nameless practices...especially the brutalising influence of malt liquors upon the sexual nature.’<sup>599</sup>

Historian Mary Odem has argued that in a practical sense the Department of Social Purity initially relied on moral education and voluntary efforts to halt the spread of prostitution and immorality. ‘Shelters and rescue homes were established for ‘fallen women’ to lead them into a moral way of life, together with traveller’s aid societies to help young female migrants to the cities to safe housing and employment, and social clubs.’<sup>600</sup> Equally important, the

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<sup>596</sup> Frances Willard, *Glimpses of Fifty Years*, p419.

<sup>597</sup> Frances Willard, *Glimpses of Fifty Years*, p420.

<sup>598</sup> Janet Zollinger Giele, *Two Paths to Woman’s Equality*, p100.

<sup>599</sup> Frances Willard, *Glimpses of Fifty Years*, p419.

<sup>600</sup> Mary Ellen Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885-1920* (Chapel Hill, NC: University of North Carolina Press, 1995), p11.

Department worked towards transforming male sexual attitudes and also conducted a nationwide campaign for individual state laws to raise the age of consent, a campaign notable for its success as indicated by the nationwide 1894 law raising the age to fourteen years. Epstein in turn has shown that Willard recommended that each local union appoint a woman to assist any woman accused of prostitution in what she called: ‘the terrible unequal banter of the courts...for in those courts a man’s testimony is not invalidated because he is a libertine, but if a woman is unchaste she is practically disqualified as a witness...’<sup>601</sup> In other words, Willard was acutely aware of patriarchal and gender inequality, particularly within a legal environment.

Just as with repealers in Britain, the term ‘white slavery’ was a frequent rallying cry amongst members of WCTU. The term derived from Butler and Stead’s investigations in the mid-eighties, as chronicled in Chapter Two, but the expression is not unproblematic. Historian Louise Newman accuses Willard in her analysis *White Women’s Rights* (1999), of ‘conflating moral differences with racial and religious differences,’ and suggests that Willard’s use of ‘white’ in her favourite slogan was not merely a metaphor for purity, but also for race.<sup>602</sup> It is undoubtedly true that it was white middle-class women who were at the forefront of both domestic and foreign missionary service, whether within the auspices of WCTU or outside. While it is harder to establish the extent to which they were actively motivated by racist Christian Anglo-Saxon ideas about the higher status of white women over non-white women, we can nevertheless scrutinise the extent to which Willard articulated racial ideas of her time.

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<sup>601</sup> Frances Willard, *Annual Minutes of the WCTU 15<sup>th</sup> National Meeting*, 1888, p25, Frances. E. Willard Memorial Library and Archives, Evanston, IL.

<sup>602</sup> Louise Newman, *White Women’s Rights: the Racial Origins of Feminism in the United States* (Oxford: Oxford University Press, 1999), p66.

Vron Ware, who denies that Willard was racist, points out that her position was complex. In reporting an 1890 interview Willard claimed white southerners were mostly ‘kindly intentioned towards the coloured man,’ proceeding to portray black men as incurable alcoholics and asserting that only white Christian men could be considered moral human beings.<sup>603</sup> In the same interview Ware notes that Willard promoted a ‘black return *en masse* to Africa since they would never be accepted by Southern USA whites.<sup>604</sup> Such attitudes show that Willard herself did not see black Americans as citizens and her views chime with racial thinking in nineteenth century America where, as Gail Bederman has shown, Darwinian ideas became more acceptable. Members of WCTU, she argues, ‘viewed racial and sexual traits in evolutionary terms,’ interpreting civilization as ‘an evolutionary progress indicating the superiority of the Anglo-Saxon man.’<sup>605</sup> There is strong evidence for an accusation of racism against the WCTU in controversies over civil rights issues and the ethnic nationalism of whiteness permeated the words and actions of the white WCTU women.<sup>606</sup> This racial worldview influenced Willard’s approach to the issue of prostitution, as seen in her early writings where she draws a connection between sexual immorality and foreigners. As reported by her companion Anna Gordon, for example, Willard, when recalling her world tour in the late 1860s, complained about the ‘licentiousness and rampant infidelity of the French.’<sup>607</sup>

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<sup>603</sup> Vron Ware, *Beyond the Pale: White women, racism and history* (London: Verso, 1992), pp200 & 202.

<sup>604</sup> Vron Ware, *Beyond the Pale*, p200.

<sup>605</sup> Gail Bederman, *Manliness and Civilization: A cultural history of gender and race in the United States, 1880-1917* (Chicago: University of Chicago Press, 1995), pp46-48.

<sup>606</sup> Edward J. Blum, *Reforging the White Republic: Race, Religion and American Nationalism 1865-1898* (Baton Rouge, LA: Louisiana State University Press, 21005), p207.

<sup>607</sup> Anna Gordon, *The Beautiful Life of Frances E. Willard* (Chicago: Women’s Temperance Publishing Association, 1898), p84.

George Wharton James, who was supported by the WCTU's own publishing house, asserted in the text *Chicago's Darkest Places*, that 'negroes posed a sexual menace to white women.'<sup>608</sup> The very use of the word 'dark' would have been understood to indicate the poorer city areas inhabited by immigrants and negroes. James continued, 'some of the girls are white, and some are black, but all alike alas! have the same black purpose of heart.'<sup>609</sup> This portrayal of blackness as an evocation of wickedness was in line with widespread stereotyping.

WCTU, when challenged, suggested that black and white prostitutes had a common purpose, but as Brian Donovan counters in *White Slave Crusades*, the organisation's use of the moral metaphors of 'dark' and 'light' and 'black' and 'white' easily slides into descriptions of race.'<sup>610</sup> The question therefore remains; was Willard's an ideological view that only white women were deserving of salvation? American slavery debates certainly underpinned the racialised view of Indian CDAs.

### **The (Imperial) Profession of the Woman Missionary**

Women missionaries hold a complex place in modern history for the missionary effort opened up new careers for women whilst at the same time the ideology and practices of organisations such as the WCTU perpetuated racist assumptions about 'civilizations'. Edward Said described the rapacious imperialism of the latter part of the nineteenth century as underpinned by a series of European economies 'hungry for overseas markets and hugely

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<sup>608</sup> George Wharton James, *Chicago's Dark Places* (Chicago: Craig Press and Women's Temperance Publishing Association, 1891), p91.

<sup>609</sup> George Wharton James, *Chicago's Dark Places*, p92.

<sup>610</sup> Brian Donovan, *White Slave Crusades: Race, Gender and Anti-vice Activism, 1887-1917* (Chicago: University of Illinois Press, 2006), p48.

profitable land...and defence and foreign-policy establishments committed to the maintenance of vast tracts of distant land and large numbers of subjugated peoples.’<sup>611</sup> Once the ideas of both economic and political imperialism were accepted, other kinds of imperialism appeared to follow, of which the most common was ‘cultural imperialism.’ The foundation of this was based on the idea that the culture of the stronger country was inevitably superior. In his exploration *Cultural Imperialism*, cultural sociologist John Tomlinson describes cultural imperialism as a ‘critical discourse which operates by representing the cultures whose autonomy it defends in its own (dominant) Western cultural terms.’<sup>612</sup> Tomlinson suggests that this domination is not just economic or political, but eats into the very heart of how collective peoples live their lives. Despite the claim for respect of ‘the plurality of ways of living’, liberalism is strongly anchored in Western ideas about humanity and the social order.<sup>613</sup> For temperance women, this notion of cultural imperialism was, historian Ian Tyrell suggests, ‘a conscious dissemination of American attitudes and values.’<sup>614</sup> In the 1880s and 1890s temperance missionaries believed they had a duty to interfere in the way of life and culture of indigenous peoples, to bury authentic traditional cultures beneath an Anglo-American culture considered to be more ‘civilised.’ An analysis of the ‘white life’ aspect of Willard’s philosophy, therefore, deepens our understanding of the cultural ‘baggage’ carried by Bushnell and Andrew.

The first biennial meeting of the World’s Women’s Christian Temperance Union (WWCTU) convened in 1891, precipitating their round-the-world tour. The main thrust of early American temperance was not dissimilar to that of Josephine Butler’s agitation in Britain,

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<sup>611</sup> Edward W. Said, *Culture and Imperialism* (London: Vintage, 1994), p7.

<sup>612</sup> John Tomlinson, *Cultural Imperialism*, (London: Continuum, 1991), p2.

<sup>613</sup> John Tomlinson, *Cultural Imperialism*, p6.

<sup>614</sup> Ian Tyrell, *Woman’s World: Woman’s Empire* (Chapel Hill, NC: University of North Carolina Press, 1991), p98.

namely female liberation from prevailing patriarchal domination on all fronts. This in turn led ironically, according to Tyrell, to temperance women 'becoming enmeshed in the extension of European values and the control of large portions of the globe by the imperial powers.'<sup>615</sup>

The temperance movement was driven first and foremost by the basic tenets of Christianity, (the Gospel and Jesus as the son of God), reinforced through Willard's own tour of Europe and the Middle East in 1869-70. Whilst there does not appear to be any concrete evidence of her encounters with women in the Middle East, a diary entry written during that tour underpins her conviction of the primacy of Christianity, as she depicts the United States as the source of Christian imperialism. 'Oh! Native land...the world's hope, the Gospel's truth...are all with thee.'<sup>616</sup> This led to her further belief in the connection between Christianity and female emancipation and encouraged WCTU to link the worth of a nation's civilisation to its promotion of women's independence. Whilst frequently purporting to be denominationally independent, this Christian doctrine prevented any real tolerance or acceptance of religious diversity. In the pages of the temperance publication, *Union Signal*, for example, reports from overseas missionaries commented on the 'essential rottenness' of the Hindu religion. Such reports confirmed, according to Tyrell's investigation, the generally held Anglo-American view of the Orient as a 'realm of repulsive and essentially unchanging tradition whose only hope of salvation was the through the modernizing forces of the West, amongst which were the message of Christian temperance and its accompanying treatment of women.'<sup>617</sup> Interestingly the opening phrase of a *White Life for Two* begins 'America may well be called "God's Country"' and its final words are a verse from the *Battle Hymn of the*

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<sup>615</sup> Ian Tyrell, *Woman's World: Woman's Empire*, p61.

<sup>616</sup> Margaret McFadden, *The Transatlantic Sources of Nineteenth Century Feminism* (Lexington, KY: University Press of Kentucky, 1999), p114.

<sup>617</sup> Ian Tyrell, *Woman's World: Woman's Empire*, p106.

*Republic*, suggesting that Willard viewed white American achievement as overriding all other considerations.

Although having little impact upon the communities of Europe, the WWCTU did attempt to cross racial and cultural barriers in the developing world of China and India. Frances Willard wanted her missionaries to be international, to be ‘migratory rather than stationary’ as she stated at the 1893 WWCTU convention.<sup>618</sup> Certainly round-the-world missions opened new careers for women otherwise bound by nineteenth-century Anglo-American domestic conventions. The life of an American missionary was perceived as one of freedom from domesticity, although in fact patterns of sexual domination were also evident within the missionary community itself, still male influenced. However, removed from the national environment the WWCTU women were no longer under the control of male missionaries. Their careers certainly suggest that for some of the round-the-world missionaries the journey was a rejection of domestic isolation and subordination that the more settled missionary environment usually reproduced.

A number of factors influenced and affected their seeming inability to comprehend and adapt to the cultural and political contexts in which they found themselves. Physical factors, including climate and travel difficulties, contributed certainly, but it was the cultural barrier which marked the strong separation. Within a lonely and isolated environment, separated by language and cultural conceptions, it was difficult for temperance missionaries to gain any critical insight into these distinctive and foreign cultures. Tyrell suggests that WWCTU women ‘became stranded between the polarities of a universalist mission which transcended

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<sup>618</sup> Frances Willard, President’s Address, Minutes of the 2<sup>nd</sup> Biennial Convention of the World’s WCTU, *WWCTU Reports, 1891-5* (Chicago: Women’s Temperance Publishing Association, 1896), p53, FWMLA.

cultural boundaries and the hard fact that any such universal message necessarily offended the particular cultural heritage of those whom WWCTU sought to save.<sup>619</sup> Because their mission was trumpeted as universal, temperance women constantly questioned the indigenous faiths, holding fast to the belief that only the Christian faith could offer spiritual and moral support; in reality a message of cultural superiority, which prevented any fruitful interchange of ideas or mutual respect. There was a focus on worldwide ‘sisterhood,’ exemplified by Willard’s address to the second Biennial Convention of the WWCTU in 1893, when she forecast that ‘nothing can stand before the sisterhood of women that is now growing up around the world.’<sup>620</sup> However, whilst the sense of sisterhood may have translated into a unity which kept the Union together at home, this required a denial of cultural differences and a related expansion of Anglo-American colonial authority over other peoples, and a reliance on the imperial system, to facilitate its work. On the premise that this unknown international milieu was inevitably influenced by the fundamental critique of ‘otherness’, how could an equal sisterhood be sustained? Furthermore, a world solely of women inevitably limited their freedom of action and their ability to understand the complexities of other environments.

### **Bushnell, Andrew and Butler: The International Dimensions of the Social Purity Movement**

A classics undergraduate at Northwestern University, Evanston at eighteen, Bushnell studied under Willard, then Dean of the Women’s College of the University. Two years into her studies, she switched to medicine, which was still an unusual career for women at that time. She enrolled in the Woman’s Hospital Medical College as a private pupil of Dr. James

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<sup>619</sup> Ian Tyrell, *Woman’s World: Woman’s Empire*, p98.

<sup>620</sup> Frances Willard, President’s Address, Minutes of the 2<sup>nd</sup> Biennial Convention of the World’s WCTU, p55, FWMLA.



Jewell, described by Willard as ‘a noted specialist in nerve diseases.’<sup>621</sup> Willard further suggested that ‘to have been his pupil was in itself an education far superior to the average college course.’<sup>622</sup> Jewell became the first President of the American Neurological Association. Bushnell graduated four years later in 1879. In neither her own writings, nor in any biography of Bushnell, is the reason for this change clarified, and the assumption is that her personal friendship with Willard and her family’s close neighbourhood relationship with that of Willard’s, prompted her to close ranks and when Willard left Northwestern after an acrimonious dispute, so did Bushnell.

Bushnell was the first female student in the Medical College and her nephew William Stout wrote in his biography of the temerity of her professors: ‘In classes a screen was put up around her so she could get up and recite without being seen, at which the men in the room would hoot and yell.’<sup>623</sup> Stout was famous not only as an aviation designer in the early twentieth century, but also as a chronicler of developments within the American era in which he lived. Completing her medical education at Chicago Woman’s Medical College, and after a brief internship,<sup>624</sup> Bushnell became the resident physician in the Hospital for Women and Children in Chicago. In the same year, now aged twenty-four, she became a missionary in Kiukiang, China, (on the south bank of Yangtse River) under the auspices of the Women’s Mission Board of the MEC. Despite an appalling climate and often unwell herself, she and her fellow missionaries performed surgical operations and did all the nursing with primitive facilities in a large practice. Although her own writings say little about any positive impact of her time in China, it was here that she became aware of the effects of male-dominated society

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<sup>621</sup> *A Woman of the Century*, edited by Frances Willard (Buffalo, NY: Moolton, 1893), p141.

<sup>622</sup> Frances Willard, “Dr. Kate A. Bushnell, A Sketch”, *Union Signal*, 20<sup>th</sup> November, 1890, Roll 6, p4, Frances E. Willard Memorial Library and Archives, Evanston, IL.

<sup>623</sup> William Bushnell Stout, *So Away I Went* (New York: Bobbs-Merrill, 1951), p53.

<sup>624</sup> Women’s Medical School, Northwestern University (*Woman’s Medical College of Chicago*), *Class Histories 1870-1890* (Chicago: H.G. Butler, 1896), p137.

on its female population which in turn led to a more critical study of the Bible and to question the male prejudicial role she found portrayed.

In 1882, when one of her fellow medical missionaries in China, Dr. Ella Gilchrist, was extremely ill, they left the country together, returning to Gilchrist's home in Denver, Colorado. Gilchrist died of tuberculosis shortly after their return to the United States, Bushnell remaining with her friend until her death. During this time she did post-graduate work and then set up a medical practice in Denver, but felt herself unsuitable. In *A Brief Sketch of Her Life's Work*, she reminisced: 'I was too weak nervously for the work and discontented in it.'<sup>625</sup> It was only with the creation of the Women's Christian Temperance Union's purity department and its campaign against the medical inspection of prostitutes, that she found work enabling her to combine her medical career with her desire to uplift women. In 1885 Willard persuaded her to move to Chicago as the National Evangelist of Social Purity. Bushnell appears to have had little hesitation in relinquishing a full career in medicine, feeling that God was calling her to more important work. She confirmed that 'she had not studied medicine for its own sake, but as a help in Christian work.'<sup>626</sup> The WCTU journal, *Union Signal*, described Bushnell at this time as a 'well educated woman and physician of strong character and practical ways. Concerning her success there can be no doubt for she feels called of God to this sacred and difficult task.'<sup>627</sup> Willard embellished this, confident that Bushnell's 'medical work and hospital experience had given her rare

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<sup>625</sup> Katherine Bushnell, *A Brief Sketch of Her Life's Work*, p5.

<sup>626</sup> Katherine Bushnell, *A Brief Sketch of her Life's Work*, p6.

<sup>627</sup> Editorial, *Union Signal*, 4<sup>th</sup> March, 1896, Roll 3, p3, Frances E. Willard Memorial Library and Archives, Evanston, IL.

preparation for the special field to which she will no doubt devote herself for the remainder of her life.’<sup>628</sup>

Her initial endeavour was to found the Anchorage Mission in Chicago with co-worker Elizabeth Andrew. Nowhere in Bushnell’s autobiographical work, nor in Hardwick’s biography of Bushnell, nor yet in Willard’s texts, is there mention of how Bushnell and Andrew came to collaborate. In *A Brief Sketch of her Life’s Work*, Bushnell refers to ‘Mrs. Elizabeth Wheeler Andrew, a little older and far more talented and accomplished than I.’<sup>629</sup> One can only assume that Willard was the link, finding in both women the requisite qualities for initially establishing the Chicago Mission prior to their round-the-world journey. A 2006 issue of *Christian History* describes their efforts as ‘providing refuge and care for over 5,000 women and girls each year, and they also advised other local WCTU chapters about establishing similar missions.’<sup>630</sup> Anchorage Mission developed from the running of a simple day reading room to the purchase of a house in the red-light district in which women could live free of charge until they returned home or found appropriate work. Unlike Willard however, Bushnell was not interested in temperance, except in its relationship to social purity and the opportunity for further active service arose through allegations of ‘white slavery’ in the booming lumber camps of North Wisconsin and Michigan. These dense, forested areas attracted a huge labour force in iron mining and tree felling, accompanied by the enticement of young girls to come north with the promise of employment. Bushnell investigated these camps from May to August, 1888 and reported that some of the girls were only 13 or 14 years of age and that many of the local towns housing brothels operated Contagious Diseases Acts modelled on those in Britain. The owners and patrons of such establishments exercised

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<sup>628</sup> Frances Willard, “Dr. Kate A. Bushnell, A Sketch”, *Union Signal*, 20<sup>th</sup> November, 1890, Roll 6, p4, FWMLA.

<sup>629</sup> Katherine Bushnell, *A Brief Sketch of her Life’s Work*, p8.

<sup>630</sup> Biography Section, *Christian History*, Issue 90, 2006.

sufficient political power to prevent legal action against the brothels. In her brief biography, Bushnell recalled ‘that girls were held as prisoners in stockade dens, with bull dogs to prevent their escape.’<sup>631</sup> In an address to 300 Chicago women on “Slavery up North” in early 1889, Bushnell recalled these months.

I went quietly from place to place, talked with ministers, lawyers, physicians and girls who had been inmates and escaped, examined police and justices records and am prepared to corroborate every statement I have made as to the enormity of this iniquitous traffic in human souls.<sup>632</sup>

The report made Bushnell an overnight sensation, officials in both states denying her allegations and the Wisconsin legislature accusing her of slander. The human rights lawyer Gary Haugen suggests that ‘her findings were substantiated by subsequent studies conducted by both public officials and private researchers.’<sup>633</sup> This resulted in the passing of the ‘Kate Bushnell Bill’ by the same legislature. Senate Bill 46 of 1887 ‘outlawed the abduction of unmarried women for the purposes of enforced prostitution; a prison term of five to fifteen years was mandated for detaining any woman involuntarily.’<sup>634</sup>

The ensuing publicity began to obscure the underlying temperance issues at the heart of the WCTU and Willard suggested it might be prudent for Bushnell to pursue her purity activities somewhere less sensational. Bushnell, whilst not personally familiar with Josephine Butler, was aware of her work through her position on WCTU’s England association, and in 1889 had written a eulogy, published in the *Union Signal*. ‘Today we honour Josephine Butler. Yesterday she was criticised, scorned and abused. There is nothing interesting in having fallen women in one’s spare bedroom and being obliged to send one’s guests to a hotel. There

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<sup>631</sup> Katherine Bushnell, *A Brief Sketch of her Life’s Work*, p6.

<sup>632</sup> Katherine Bushnell, *Union Signal*, 10<sup>th</sup> January, 1889, Roll 5, p1, FWMLA.

<sup>633</sup> Gary A. Haugen, *Good News about Injustice* (Leicester: InterVarsity Press, 1999), p55.

<sup>634</sup> Ruth Hoppin, *The Legacy of Katherine Bushnell*, Priscilla Papers, Vol. 9, No. 1, Winter 1995.

is nothing poetical in being scorned by the humblest boarding-house keeper and going under an alias. It is not dignified to run home after a lecture with a mob at one's heels.'<sup>635</sup> Bushnell may well be comparing an experience in Wisconsin with the similar situation facing Butler in the early days of her crusade. Glen Petrie, one of Butler's biographers, aptly describes Butler's experience following a rally: '[...] fled running as fast as they could with the mob in full pursuit. The mob seemed to bay around the warehouse, and Josephine hid in the darkness inside, crouching miserably among crates[...]'<sup>636</sup>

In the summer of 1890 Bushnell wrote to Butler seeking advice; the latter's response an invitation to visit her in England with the suggestion 'that she might have work for her in an Indian campaign for purity.'<sup>637</sup> Bushnell's obvious delight in meeting Butler is best expressed in her own euphoric words. 'What a wonderful event it was at last go and see Mrs. Butler, at her request! [...] Mrs. Butler explained the situation in India [...] thought American women might go about with little notice [...] a woman physician might visit hospitals.'<sup>638</sup>

There were several parallels in the lives of Bushnell and Butler characterised by their shared Methodist upbringing. Both exhibited the domestic and international missionary zeal which permeated the Methodist faith and both manifested a belief in direct and individual communication with God which accounted for the evangelical aspect of both their crusades for social purity. Both, therefore, were driven by a moral and social conscience. Nineteenth-century Methodism exhibited certain general traits, as suggested by an 1898 history of the

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<sup>635</sup> Katherine Bushnell, *Union Signal*, 26<sup>th</sup> December 1889, Roll 6, p10, FWMLA.

<sup>636</sup> Glen Petrie, *A Singular Iniquity: The Campaigns of Josephine Butler* (New York: Viking Press, 1971), p103.

<sup>637</sup> Dana Hardwick, *Oh Thou Woman that Bringest Good Tidings: The Life & Work of Katherine C. Bushnell* (Eugene, OR: Wipf and Stock, 2002), p38.

<sup>638</sup> Katherine Bushnell, *A Brief Sketch of her Life's Work*, p9.

religion: ‘austerity, frugality, a strong work ethic and an emphasis on salvation.’<sup>639</sup> However the American interpretation also assumed a relationship between American culture and the Methodist Episcopal Church to which Bushnell adhered. Butler was not a teetotaler and, with Bushnell, showed little interest in the temperance movement per se. Although the movement originated in Britain amongst Wesleyans and Methodists, it never attracted the numbers found in America; in Britain it was less radical and less all-encompassing, which drew Butler and Bushnell together.

Bushnell’s erstwhile colleague at the Anchorage Mission, Elizabeth Andrew, had already prepared a round-the-world trip on behalf of the WWCTU. Bushnell showed her Butler’s letter, perhaps knowing that Andrew had been ‘very impressed by W.T. Stead’s biography of Butler, *Josephine Butler a Life-Sketch*, published whilst in Holloway [then a men’s prison].’<sup>640</sup> Andrew agreed to work with Bushnell and it was arranged that they would meet in London, talk with Butler and proceed from there, possibly taking in India en route.

There was no funding for the American’s round-the-world trip and to raise money, Bushnell continued to speak about the Wisconsin issues. In her analysis of women and Methodism, religious scholar Rosemary Keller reports that when Bushnell spoke in Berea, Ohio, she told her audience that whilst ‘these facts are not pleasant to hear, you shall hear them.’<sup>641</sup> Willard endorsed Bushnell’s decision to travel round the world on behalf of the WWCTU, suggesting that ‘her [Bushnell’s] insatiable love of learning which leads her to add constantly to the

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<sup>639</sup> James Buckley, *A History of Methodism in the United States, Volume 2* (New York: Harper & Bros., 1898), p438.

<sup>640</sup> Glen Petrie, *A Singular Iniquity: The Campaigns of Josephine Butler* (London: Macmillan, p268, referring to William Thomas Stead, *Josephine Butler, a Life-Sketch* (London: Morgan & Scott, 1887).

<sup>641</sup> Dana Hardwick, Man’s Prattle, Woman’s Word, in *Spiritual & Social Responsibility: Vocational Vision of Women in the United Methodist Tradition*, ed. by Rosemary Skinner Keller (Nashville, TN: Abingdon Press, 1993), p170.

specific knowledge essential to success, her wise discretion and pronounced Christian character, together with her undaunted courage, have made her the providential choice of those who have the power to send out ‘white-ribboners’ to foreign lands.’<sup>642</sup> Willard was evidently aware that international missionary service was difficult and debilitating and her choice of Bushnell was a carefully considered one.

Bushnell and Andrew became part of Butler’s and Stansfeld’s mission to abolish the ICDA’s through the British Committee for the Abolition of State Regulation in India. This Committee, led by Butler and Stansfeld, was suspicious of the GOI’s emphatic denials that ICDA’s were being upheld. They suggested that in the course of their trip around the world, the American women visit India to conduct inquiries on behalf of the Committee, as quietly and secretly as possible. The mission was pronounced by Butler as ‘one of the most difficult and even perilous missions ever undertaken in the course of our great crusade.’<sup>643</sup>

### **The Queens Daughters in India**

In a joint report for the WWCTU, Bushnell and Andrew related their arrival in England in February 1891, their meetings with Butler and Stansfeld and Mrs. Bramwell Booth of the Salvation Army, including visits to five of the Army’s London Rescue Homes.<sup>644</sup> They sailed for Capetown on 18<sup>th</sup> July and Bushnell reports that after a summer in South Africa, where they gave seven addresses on social purity, they left in the middle of November and arrived in Calcutta on 21<sup>st</sup> December 1891, during a very cold winter. They commenced their

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<sup>642</sup> Frances Willard, “Dr. Kate A. Bushnell, A Sketch”, *Union Signal*, 20<sup>th</sup> November, 1890, Roll 6, p4, FWMLA.

<sup>643</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p13.

<sup>644</sup> Katherine Bushnell & Elizabeth Andrew, Joint Report February 1891-October 1891, *World’s WCTU Reports 1891-1895*, p34, FWMLA.

work at the beginning of the new year, visiting ten cantonments and sending home their report.’ They then continued to Australasia, where they received a telegram from Stansfeld: ‘silence concerning India imperative.’<sup>645</sup> Their report, which follows, was, Stansfeld realised, the ammunition required to blitzkrieg the still substantial parliamentary support for legislation. This report was called *The Queens Daughters in India*, and was written and published in 1899.

These two early middle-aged American women arrived in Calcutta, India, the only passengers on a small boat, arriving unannounced in an alien environment, speaking neither Hindi nor Urdu and certainly no other local tongue. The British contact provided for them by Stansfeld, prior to their departure, a Mr. Madge, was, according to Mrs. Andrew ‘helpful to the last degree.’<sup>646</sup> The remaining contacts proved disastrous and appeared determined to prevent their travelling further. One declared their mission ‘foolish and impracticable’ and stated ‘from his long experience that it was utterly impossible for women to get at the truth.’<sup>647</sup> Another, encountered in early January 1892, was the chief surgeon of a particular cantonment who deplored the repeal of the ICDA and emphatically denied the existence of either regulation or Lock Hospital. He acknowledged that there was a hospital on sight, but advised it open for all diseases, including dysentery and cholera, a response which indicates that there was already resistance to their work.

Bushnell and Andrew interviewed endless government officials and doctors, but met continuous official evasion. Convinced that these responses were deliberately misleading

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<sup>645</sup> Katherine Bushnell, *Brief Sketch*, p10.

<sup>646</sup> Elizabeth Andrew, A Winter’s Purity Campaign in India, *Union Signal*, 11<sup>th</sup> May, 1893, Roll 8, pp2 and 3, FWMLA.

<sup>647</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India* (London: Morgan & Scott, 1899), p14.



determined the Americans to change focus and concentrate on the Indian women and their native ‘keepers’ themselves. They portrayed their work as ‘not of the usual character, but a private investigation under the British Committee into whether the iniquitous CDAs system still operated, although repealed in 1888.’<sup>648</sup> There is a contradiction here between ‘private’ and the Committee, which indicates the serious underpinnings of their work, but also allowed Stansfeld and his Committee a strategy of denying it, should that be necessary. They further outlined their visit to ten military stations as totally isolating, because they were unable, due to the secret nature of their mission, to speak in public or make any contact whatsoever with other WCTU workers in India. Ever driven by their own faiths and mindful of Stansfeld’s commission, they persevered under extremely difficult circumstances.

After five weeks without gaining any relevant information, the Americans reported that ‘one Sunday we set aside for fasting and prayer....we waited on the Father of spirits for guidance. It was only then that God could reveal himself.’<sup>649</sup> Religious reference underlay much of this report, their introduction reflecting a Biblical resonance, for example, when they suggested that ‘when so-called “Christian England” took control of “heathen India”, cantonments were staked out for British soldiers so that full provision was made for the flesh, to fulfil the lusts thereof.’<sup>650</sup> Andrew corroborates the religious undertone in her belief that ‘we were wonderfully guided and blessed of God, in obtaining evidence to prove the continued existence of the infamous system of the State Regulation of Vice and all the cruelties and injustice to women that accompany it.’<sup>651</sup> The women also responded in a similarly spiritual vein to a Report of the Army Health Association, printed in Meerut in 1892, of which they

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<sup>648</sup> Katherine Bushnell & Elizabeth Andrew, Joint Report, October 1891 – September 1893, *World’s WCTU Reports 1891-1895* p190, FWMLA.

<sup>649</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p13.

<sup>650</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p8.

<sup>651</sup> Katherine Bushnell & Elizabeth Andrew, *World’s WCTU Reports 1891-1895*, p191, FWMLA.

had a copy. Advising the body of the report as written by an army chaplain, with support from other clerics on the Association's board, they described it as a plea for the legal reinstatement of what was still happening illegally. They derided the "Gospel duty of healing diseases in a compulsory way," suggesting that 'blasphemy could scarcely go further than to liken the compulsory indecent exposure of a woman to a miracle of our Lord.'<sup>652</sup> The outrage in these words indicates how strongly the Americans agreed that prostitution in India would never be expunged whilst women remained subordinate to men within the Christian ethic. In *A Brief Sketch*, Bushnell emphasised 'subjection' as a 'mutual duty of all Christians to each other, quoting Ephesians, 5:21.'<sup>653</sup>

Bushnell and Andrew eventually obtained local assistance through taxi drivers and interpreters and they then managed to gain access to the records of what were still referred to as Lock Hospitals. In this context, then, the colonial structures worked to Bushnell and Andrew's advantage for they were able to read the records and thus gain insight into the implementation of the ICDA's. Andrew records that they studied the annual reports for that year, and 'books and records, taking careful notes of interviews, records etc., and drawing plans of several government houses of shame and Lock Hospitals.'<sup>654</sup> As explored in Chapter Three, the Indian Lock Hospital symbolised both the physical torture and British ignorance of the indigenous Indian woman. That the Americans were able to visit the still active Hospitals was at the heart of their report and contradicted the stand adopted by the GOI who continued to deny their existence. Before entering each new cantonment they posted the latest reports back to England by registered mail. According to Jane Jordan, where the situation did become potentially dangerous, 'they wrote on very thin paper and sewed their reports into the

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<sup>652</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p35.

<sup>653</sup> Katherine Bushnell, *A Brief Sketch of her Life Work*, p15.

<sup>654</sup> Elizabeth Andrew, "A Winter's Purity Campaign in India", *Union Signal*, 11<sup>th</sup> May, 1893, Roll 8, p4, FWMLA

hems of their skirts.’<sup>655</sup> But overall they appear to have encountered little or no opposition to their visiting the *chaklas*, (government brothels), interviewing both the Indian girls themselves (*veshyas*) and also the *malhardanis* (madams) who oversaw the military brothels. ‘We visited a Rest Camp at Meerut. As usual, we had no difficulty in passing the sentinels; God took care of that.’<sup>656</sup> The winter season drew to a close as they travelled by night, resting in ladies waiting rooms between trains, and working by day. There is little mention of interpreters in their report, other than a slight reference to a ‘specially gifted...and sweet-voiced woman.’<sup>657</sup> Was the apparent lack of male interpreters a issue of gender? Perhaps, but the *chakla* itself was an all-female environment, and graphic gestures and the few words of English which the prostitutes had gained from their British clients appear to have been sufficient for the American women to comprehend. This question of communication formed a significant aspect of the women’s testimony during the 1893 Select Committee of Enquiry.

Back in Britain, whilst questioning of the American women during the Enquiry was of a necessarily formal nature eliciting similarly stylised responses, the reports in *The Queens Daughters in India* offered a more fleshed out personal and emotional account. The text provides important insights into Bushnell and Andrew’s travels as well as into contemporary ideas about women and prostitution. ‘Every interest in the woman’s character, happiness, health, life itself, is made subservient to the health and convenience of the British soldier’ they write for example, continuing that ‘Every assertion that would put a humanitarian gloss on the regulation of vice is utter hypocrisy.’<sup>658</sup> This statement corresponds with the sentiment at the heart of Butler’s campaign call, and is further emphasised in their description of many of the cantonment *chaklas* visited: ‘a huge fortification with high blank walls, tiny

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<sup>655</sup> Jane Jordan, *Josephine Butler* (London: John Murray, 2001), p247

<sup>656</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p29.

<sup>657</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p17.

<sup>658</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p18.

barred windows and small, numbered rooms.’<sup>659</sup> Likened to a prison, they confirmed that the ‘iron law of military regulation’ forbade any refusal of examination or expulsion from the cantonment, which was ‘tantamount to starvation.’<sup>660</sup> The majority of the 300 women in the cantonments, whom they interviewed, centred their hatred on the heart of the regulation, the ‘examination and the violation of their womanhood.’<sup>661</sup> It was not just the physical iniquity but the knowledge that the authorities regarded the whole nature of a woman to be changed by her prostitution; that she had no sensitivity as a woman to her position.

Andrew emphasised this harshness in her individual depiction: ‘the girls pleaded with us to do what we could to have the hated inspections done away with. One of the degraded women we met was so moved that she placed her two young children, the father a sergeant gone home to England, in a Christian mission.’<sup>662</sup> On another occasion, at the Northwest frontier, Andrew recalls there being fewer women than usually encountered in the cantonment, and recounts the women’s fear of the regiment, whose soldiers were drunk and violent. In an evocative narrative she writes: ‘they told us in a quite hopeless way, stretching their thin fingers by turns over a wretched charcoal fire, the only warmth they had, though the winter swept in unhindered through the opening of the mud hut; there was no door. Our hearts bled for them – what could we do – they were in the power of a relentless system.’<sup>663</sup> This in turn also relates to the temporarily precarious situation in which Bushnell and Andrew found themselves in this unruly male place, ie the Frontier. In ascertaining why the women were there, Bushnell and Andrew cited several examples; one young girl married at 11, was

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<sup>659</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p20.

<sup>660</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p22.

<sup>661</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p30.

<sup>662</sup> Elizabeth Andrew, A Winter’s Purity Campaign in India, *Union Signal*, 11<sup>th</sup> May, 1893, Roll 8, p3, FWMLA.

<sup>663</sup> Elizabeth Andrew, A Winter’s Purity Campaign in India, *Union Signal*, 11<sup>th</sup> May, 1893, Roll 8, p4, FWMLA.

widowed almost immediately and arrested for loitering and at 14 put in a *chakla*; another beaten by her husband, from whom she ran away, arrested and put in a *chakla*; a girl seized as payment for a debt and sold to a *malhardani* in front of their eyes. Almost all the girls blamed poverty for their current condition, most frequently though not exclusively, through widowhood, only increased by fines imposed by the authorities, and Bushnell and Andrew blamed the British government, whom they felt could not be unaware that these children were being trained for prostitution under their governmental regulations.

Bushnell and Andrew also spent time interviewing many of the *malhardanis*, one of whom gave them the original copy of her appointment to a certain regiment, the document closing with the permission to go to Ferozepore to ‘attend to a certain business of the bazaar.’<sup>664</sup> This document had been signed by the colonel of the regiment, and corresponded with another from the staff sergeant of the same regiment a few days later, saying, ‘Malhardani, Seventh Lancers – you have not brought your women from Meerut and Ferozepore. You will have to do it or the colonel will think you have broken faith.’<sup>665</sup> The *malhardani*, the procuress, entered into a financial arrangement with the military to provide a certain number of women to the *chakla*. Failure to do so would incur a penalty and a loss of faith and implied that she could be forced to resign an obviously profitable line of employment.

By the completion of their journey, the statistics were impressive. The American missionaries had ‘travelled more than thirty-six hundred miles, visited ten military stations, interviewed three hundred and ninety five prostitutes, plus Lock Hospital medical personnel and others.’<sup>666</sup> There can be little question as to their sincerity and strength of purpose.

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<sup>664</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p19.

<sup>665</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p20.

<sup>666</sup> Dana Hardwick, *Oh Thou Woman that Bringest Good Tidings*, p43.

Against all the official GOI and medical attitudes, they insisted that the women they encountered had deep feelings. They emphasised that the Indian women were human beings, the majority drawn to prostitution through poverty or family circumstance and not merely instruments to fulfil army purposes. They reported; ‘we have felt the beating of the aching hearts against our own; we have heard histories that throbbed with the strong agony of betrayed innocence; we have seen a hopeless woe in eyes that will haunt us forever.’<sup>667</sup> Bushnell and Andrew’s empathy for the Indian women culminated in a failed rescue attempt, brought about by their frustration with the system. The girl in question, whilst anxious to leave the *chakla*, needed permission from the cantonment magistrate, which was granted. However, he warned her of the threat of continued molestation outside the cantonment and the likelihood of never seeing her family again. She asked if she could visit her mother once more, the American women accompanying her, and in the face of the mother’s fury at her decision to leave, the girl ‘could not summon up the courage to follow us against all this opposition; then a British soldier came, spoke to her and led her away.’<sup>668</sup> Their conclusion: ‘No wonder that such poor slaves when placed with the British soldiers by some wicked *malhardani*, never dream of trying to get away.’<sup>669</sup> This intervention, which went some way beyond the scope of their enquiry, is mirrored in the further comments of Bushnell and Andrew in page 253 of this chapter, in *The Queens Daughters in India*, in which I suggest they again went beyond their brief in dramatic and accusatory section headlines.

However, there was also some slippage in the account that indicates that Bushnell and Andrew remained entrenched in racialised ideas about India. In her *Brief Sketch*, published in the 1930s, Bushnell recalls that whilst she and Andrew were in India, ‘God showed us that it

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<sup>667</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p30.

<sup>668</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, pp20-22.

<sup>669</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p17.

was the legitimate business of Christian women to investigate what *pagan* women suffer, and He would give abundant help.<sup>670</sup> A few months prior to their Indian journey, in the United States, a report in the *Union Signal* advised that an ‘important stand had been taken on the issue of child marriage, and that the discussion had shown the essential rottenness of the Hindu religion.’<sup>671</sup> Are we therefore to assume from this that for Andrew only a belief in Christianity would suffice and that other tenets were intolerable? This supports the fact that the explicitly anti-imperialist sentiments of the WWCTU were rarely pursued into policies of anti-imperialist agitation in either America or Britain. The Union’s moral critique of empire seemed limited by its association with statist concepts of social reform and by its belief in an Anglo-Saxon moral and political superiority. As with any missionary exercise, even one of such a specific nature, the question of equality arises. Bushnell and Andrew promoted themselves as quite different from the ‘pagan’ women they sought. Were they aware of an equal need, as the church historian Brian Stanley contends in *The Bible and the Flag*, ‘for them to be equally distinctive from the racial and cultural assumptions of their own social background?’<sup>672</sup> Certainly, after their return to the west, Bushnell did question the supposedly Christian ethic at the heart of venereal regulation in India.

The Christian government founded the houses of shame, erected them at government expense. Every detail of vice they considered as absolutely necessary for the health of the British soldier was arranged; hiring brothel keepers, procuresses, sending out Government letters by the hand of the Quarter-Master General that a large number of sufficiently attractive women should be presented. How could this be? How is it possible that men could do such work as this? That men calling themselves Christians have done such a thing in a heathen country?<sup>673</sup>

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<sup>670</sup> Katherine Bushnell, *A Brief Sketch of Her Life Work*, p12.

<sup>671</sup> Editorial, *Union Signal*, 24<sup>th</sup> September, 1891, Roll 7, p10, FWMLA.

<sup>672</sup> Brian Stanley, *The Bible and the Flag* (Leicester: Apollo, 1990), p183.

<sup>673</sup> Katherine Bushnell, Report to the WWCTU Convention, Chicago, 1893, *Union Signal*, 2<sup>nd</sup> November, 1893, Roll 9, p5, FWMLA.

Having sent their report to the British Committee of the Federation for the Abolition of State Regulation of Vice, the American women left India in late March 1892, travelling to Australasia to continue their regular work on behalf of the WWCTU. In early 1893 James Stansfeld asked them to return to England to give evidence in person at the Select Committee of Enquiry which he and Stewart had demanded of the then Secretary of State for India (SSI), Lord Kimberley.

### **Select Committee of Enquiry, 1893**

Chapter Two referred in some detail to the personnel directly involved in the Committee of Enquiry, established the facts of the American women's visits and clarified the very different instructions which were given to the two investigating bodies. Here a more detailed analysis is made of both the journey of the American women and the exchange between them as witnesses and Stansfeld as interrogator. The first Committee sitting was on Tuesday, 11<sup>th</sup> April, 1893, at the India Office in Whitehall, at which the two women gave their evidence during a three day investigation. James Stansfeld interrogated the two Americans extremely closely, knowing that their evidence would provide the counter check to any attestation from the GOI. He firstly established that in travelling several thousand miles between Benares and Peshawar, they had visited ten cantonments, several of them twice.

During the second sitting on Friday, 14<sup>th</sup> April, to which Mrs. Andrew was recalled, much emphasis was placed on the issue of communication as Stansfeld asked whether or not the *chakla* girls could be understood. Stansfeld's astute approach pre-empted inevitable questions from the opposition as to the Americans' ability to comprehend responses. Asked by Stansfeld if the girls spoke English, Andrew emphasised that: 'A number spoke English



[...] not classical English, but English that was easily understood [...] colloquial, but some spoke very good English indeed.<sup>674</sup> Stansfeld then sought clarification on why so many women drifted into prostitution, to which Andrew replied that the majority were either in debt or widows or both.<sup>675</sup> The heart of the repealers' campaigns lay in their abhorrence of the 'brutal' examination of supposedly infected or infectious women, and it was on this issue that Stansfeld then concentrated. Andrew confirmed that at the ten cantonments visited regular periodical examinations were still carried out, detailing seven where inspection was weekly, with twice weekly examinations at Lucknow and twice monthly ones at Amritsar and Meer.<sup>676</sup> Andrew then produced a table showing the location, for example of the Lock Hospital or *chakla*, the number and character of witnesses, for example, the native doctor or *malhardani* and the dates examined, a Monday or weekly, for example. She confirmed that records were always signed by a European surgeon, not a native doctor. Asked by Stansfeld how the girls described this examination, Andrew replied, 'as a corporeal introspection by means of the speculum.'<sup>677</sup> Whilst Stansfeld may not have queried such an articulate, almost medical response, (for their testimony was providing the ammunition for his smoking gun), this particular response does require consideration. Can this statement have been a true translation, and if not, does it throw the remainder of their considerable testimony into question? These were two extremely trustworthy and reputable women and one can only assume therefore that whilst these were Bushnell and Andrew's words, they were interpreted from the girls' own description. Andrew then reported that the girls accused 'your Christian men of favouring these things', adding that 'the Queen does not countenance it. She has

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<sup>674</sup> *Select Committee to Inquire into the Rules, Regulations and Practice in the Indian Cantonments with regard to Prostitution and the Treatment of Venereal Disease*. 14<sup>th</sup> April, 1893, Appendix 1, page 13, Nos. 452/3.

<sup>675</sup> *Select Committee*, 14<sup>th</sup> April, 1893, Appendix 1, p17, No. 546.

<sup>676</sup> *Select Committee*, 14<sup>th</sup> April, 1893, Appendix 1, p21, Nos. 638/639.

<sup>677</sup> *Select Committee*, 14<sup>th</sup> April, 1893, Appendix 1, p22, No. 657.

daughters of her own, and she cares for her daughters in India.’<sup>678</sup> The girls were referring to the Commander-in-Chief (Lord Roberts) and his officers, representing the British government, who overruled or misrepresented the matter to Queen Victoria. Despite their situation, their reverence for the Queen was unanimous.

GOI protestations after the Indian repeal of 1888 were then challenged as Stansfeld questioned the witnesses on the perception and use of the Lock Hospital system. He asked if the Lock Hospital, sometimes disingenuously now known as the Cantonment Hospital, had provision for diseases other than venereal. Andrew advised that the head doctor had thus confirmed, but that the records showed admissions were limited to patients with VD.<sup>679</sup> Wishing to emphasise the illegality of this limitation, Stansfeld pushed for further clarification: ‘did you find cases of small-pox, and fever, and other like contagious diseases under treatment at the time you went?’<sup>680</sup> The answer was negative. Compulsory hospital attendance for examination was a fundamental aspect of repeal and in response to Stansfeld’s continuous questioning on this issue, on 18<sup>th</sup> April Bushnell confirmed that every Indian women with whom they had spoken understood that failure to attend resulted in expulsion from the cantonment.<sup>681</sup>

Proof that military prostitution had carried on regardless of Parliamentary Repeal was found amongst the written ‘tickets’ which were given to military prostitutes enabling them to pursue their vocation, still being issued well into 1892. Bushnell advised that twenty had been issued for Royal Artillery Bazaar women on 15<sup>th</sup> June, 1892. Stansfeld asked Bushnell if she had seen the Report of the Commanding Officer dated 19<sup>th</sup> June 1893 stating that no tickets

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<sup>678</sup> *Select Committee*, 14<sup>th</sup> April, 1893, Appendix 1, p22, No. 658.

<sup>679</sup> *Select Committee*, 15<sup>th</sup> April, 1893, Appendix 1, p28, Nos. 781/2.

<sup>680</sup> *Select Committee*, 15<sup>th</sup> April, 1893, Appendix 1, p28, No. 783.

<sup>681</sup> *Select Committee*, 18<sup>th</sup> April, 1893, Appendix 1, p46, No. 1448.

had been issued for his regiment since February, 1891. Bushnell replied succinctly that this Report was page 2 of a supplementary sheet, line 95, under Meean Meer, quoting: ‘No registration of prostitutes or issue of tickets in any form whatsoever has been carried out by the Royal Artillery since the present battery came to the station in February, 1891.’<sup>682</sup> Drawing from this evidence that ticket requisitions had continued to be drawn until June, 1892, Stansfeld suggested that this was just one of many instances in which official records sent to London for inspection contradicted the testimony of military officers.

That completing their testimony had been an ordeal was confirmed by Andrew soon afterwards: ‘The Lord wonderfully helped in all the three days of witnessing before Parliament. We have had a vast mass of evidence to go through, but none too much to conquer this stupendous system of iniquity (CDAs). We consider the Indian undertaking was one of the most important and unique Christian commissions ever granted to man or woman.’<sup>683</sup> This statement underlines their horror at both the widespread system itself, which allowed, by law, a robust British soldier to take a young girl, and the moral sense of shame and hatred of the life of sin which the girls expressed. The American missionaries summed up their approach to the ICDA as:

A piece of legislation on the part of the mighty to degrade and rob the daughters of the poor of their most ordinary rights, and it deserves the *most extreme execration* that human language is capable of, on that very account.<sup>684</sup>

Bushnell and Andrew make clear, then, that poor women, in this instance those who worked as prostitutes, had neither voice nor access to moral respect. The American’s full statement was then sent to India to await a response, which came in the shape of a Special Commission

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<sup>682</sup> *Select Committee*, 15<sup>th</sup> August, 1893, Appendix 1, p131, Nos. 3491-3508.

<sup>683</sup> Elizabeth Andrew, *Union Signal*, 11<sup>th</sup> May, 1893, Roll 8, pp1 &2, FWMLA.

<sup>684</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p42.

appointed by the GOI to ‘collect evidence in refutation of our [Bushnell and Andrew’s] charges.’<sup>685</sup> It was August before this Commission was ready to give its own evidence and in the meantime the American women addressed a number of public meetings throughout Britain, in the company of Butler, Stansfeld, Stuart and Henry Wilson. They were evidently well received, recalling that there was ‘intense interest in the subject of legalised vice in the cantonments amongst the common people, the class from whom the soldiers are so largely drawn.’<sup>686</sup> However, when their report ‘A Statement of Facts’ was made public, the press, such as the *Westminster Gazette*, characterised them as ‘well-intentioned, but ill-informed philanthropists.’<sup>687</sup> Antoinette Burton suggests that Bushnell and Andrew did promote the Indian cause amongst British feminists and female reformers,<sup>688</sup> but there was considerable opposition from some parliamentarians to ‘hypocritical Liberal and Nonconformist pressure’<sup>689</sup>, a direct jibe at Stansfeld, who held sway with the majority of the Commons, although only temporarily.

Prior to the receipt of the Special Commission’s report, the GOI, on 11<sup>th</sup> July, in a despatch of controlled outrage, accused Bushnell and Andrew of knowing nothing of India itself or the character of its people together with a predisposition to find illegality in relation to the Commons Resolution of 1888. Official disparagement of the indigenous Indian underlay the GOI’s missive, succinctly voiced through a Minute of the then Commander-in Chief- General Sir George White, who had succeeded Lord Roberts. ‘The women with whom they had conversed found out what they wished to establish and played up to them. Give a native a

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<sup>685</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p46.

<sup>686</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, p46.

<sup>687</sup> Enid Moberly Bell, *Josephine Butler: Flame of Fire* (London: Constable, 1963), p231.

<sup>688</sup> Antoinette Burton, *Burdens of History: British Feminists, Indian Women & Imperial Culture 1865-1915* (Chapel Hill, NC: University of North Carolina Press, 1994), p136.

<sup>689</sup> Kenneth Ballhatchet, *Race, Sex and Class under the Raj* (London: Weidenfeld and Nicholson, 1980), p80.

hint of the line of argument you want supported, and every answer will tend the way you incline.’<sup>690</sup>

Whilst this retort may be interpreted as emphasising the underlying ideology of the GOI toward Indian women, there is some validity to their comments: early in the *Queens Daughters in India*, reference was made to the “Infamous Circular Memorandum.” How could Bushnell and Andrew have been aware of this document, dated 17<sup>th</sup> June 1866, and published as Parliamentary Paper No, 197 in 1888? They were either primed prior to their departure for India, thereby anticipating what they would discover as the GOI suggests, or added it to their report which was published in 1899. In the latter case, their task being one of investigation, political commentary was perhaps inappropriate. A number of the section headings are certainly more than mere reportage; for example, ‘Shameful Histories; Execrable Legislation; The State Guilty.’<sup>691</sup> As suggested previously, such reportage was an indictment of British policy in India and expanded their search for proof of continuing sexual regulation beyond its perceived limitations. It does portray their utter outrage and indignation at the lengths to which the GOI continued to legislate against indigenous prostitutes and given their unique personal experiences with these women it is perhaps understandable.

On Friday, 4<sup>th</sup> August, 1893, the Enquiry reconvened and heard the testimony of the Special Commission, and then recalled the American women on 15<sup>th</sup> August. Stansfeld, in light of the Commission’s findings, went over a number of points raised in their initial testimony in the spring. He then introduced a Copy of Declaration dated 22<sup>nd</sup> June, 1893 by a Mr. E. Morgan,

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<sup>690</sup> *Select Committee of Enquiry*, Appendix III, p215, Nos. 17-22, Despatch from GOI to SSI, No. 148 (Military), 11<sup>th</sup> July, 1893; Minute by His Excellency General Sir George S. White, Commander-in-Chief, India, Charges Against the Indian Cantonment Act, 1889, 11<sup>th</sup> July, 1893.

<sup>691</sup> Katherine Bushnell and Elizabeth Andrew, *The Queens Daughters in India*, pp37,42,17.

who had been Head Assistant to the Commissioner of the Lucknow Division. He confirmed that he travelled with Alfred Dyer in December 1887 during part of his investigations in Lucknow, and had returned to the Lucknow Sudder bazaar on 3<sup>rd</sup> May, 1893. Here he counted over fifty rooms, inquiring of one of the women whether or not they were still examined, she confirming that they were seen weekly. He also retraced his earlier steps to Benares, Bareilly and Cawnpore, finding similar circumstances and concluded that nothing had changed since his first visit in 1887.<sup>692</sup> His evidence served to confirm all that the American women had themselves experienced.

Curiously, throughout 1893, when Bushnell and Andrew were giving evidence at the Select Committee of Enquiry in London's Whitehall, Willard and her British Women's Temperance Association (BWTA) colleague, Lady Henry Somerset, were also in both London and elsewhere in Britain, attending BWTA meetings and United Temperance Conferences. The *London Daily News*, for example, reports Willard's presence at a meeting of the Society for the Study of Inebriety,<sup>693</sup> and in mid-April they addressed a Temperance Festival Meeting in Derby.<sup>694</sup> Their proselytising culminated at BWTA branch meeting in Newport, the report including a photograph of the two women.<sup>695</sup> However, there appear to be no records suggesting that Bushnell and Andrew met with, or had any contact with their leaders during 1893, which perhaps suggests that the two pairs of women were beginning to prioritise divergent views of social purity.

In Chapter Three I discussed the Select Committee of Enquiry in relationship to the participation of James Stansfeld. I also mentioned the role of Lord Roberts, Commander-in-

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<sup>692</sup> *Select Committee of Enquiry*, 15<sup>th</sup> August, 1893, Appendix I, pp132-4, Nos. 3552-3556.

<sup>693</sup> *London Daily News*, 5<sup>th</sup> April, 1893, Issue 14667.

<sup>694</sup> *Derby Mercury*, 19<sup>th</sup> April, 1893, Issue 9302.

<sup>695</sup> *Western Mail*, 29<sup>th</sup> September, 1893, Issue 7601.

Chief of the British military in India during the period under investigation, in which in those debates, Roberts proved a difficult opponent of the reformers. He himself retired in April, 1893 and returned to Britain where, in an interview with the *Christian Commonwealth*, he completely refuted the testimony of the American women. However, on 11<sup>th</sup> August, 1893, in light of the American missionary evidence, he was forced to acknowledge that:

I frankly admit that the statements of the two American missionaries [...] are in the main correct. In some stations the rules have been strictly enforced, but in others it now turns out that this is not completely the case. I deeply regret this, and I feel that an apology is due from me to the ladies concerned. This apology I offer unreservedly.<sup>696</sup>

In other words, then, it was the new attention given to the work of the two American women that brought about Roberts' change in attitude. This did not escape public attention, as an article entitled "The Outcome of a Noble Work" in the *Union Signal* in October 1893 indicates:

Lord Roberts' apology is frank and conclusive. But we cannot refrain from calling attention to the naïveté of the remark that "it would have better if the missionary ladies had been commended to the care of the authorities in India." When even the commander-in-chief was kept in the dark, how much would the American ladies have found out if they had been "commended" to the care of the authorities?<sup>697</sup>

This article rightly picks up on the women's unusual position in relation to the colonial government whose authority they sought to undermine.

### **John Hyslop Bell**

The debates did not end there. The American missionaries had completed their Indian journey in early March 1892. Why then, later that year, did James Stansfeld's Committee seek further confirmation of current sexual regulation practice in India by asking John Hyslop Bell, a

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<sup>696</sup> *Select Committee*, 15<sup>th</sup> August, 1893, Appendix 1, p139.

<sup>697</sup> Editorial, *Union Signal*, 5<sup>th</sup> October, 1893, Roll 9, p9, FWMLA.

northern journalist and retired newspaper proprietor, to personally review some of the American evidence? Whilst there does not appear to be any question of the integrity of the motives of Bushnell and Andrew, was this a gendered decision, that a woman, or in this case women, would provide less plausible witnesses than a man? Perhaps their evidence alone was not seen as strong enough. Or was Bell's commitment to Liberal politics and his long association in that regard with Stansfeld himself a more likely explanation?

Bell made his name as both proprietor and editor of the *South Durham Mercury*, based in Hartlepool. On behalf of a famous Quaker family he then founded the morning daily the *Northern Echo* in 1870, as a liberal alternative to the existing press. In a contemporary analysis of nineteenth-century press, written in 1859, Alexander Andrews described 'local newspapers as more significant to most readers than metropolitan issues, such as *The Times*, and suggested that producers and readers of the local press wove this rapidly developing phenomenon into English society, politics and culture at individual, local and national level.'<sup>698</sup> Bell's intention was to produce a paper 'advocating Advanced Liberal opinion – at a price within reach of all classes of the people.'<sup>699</sup> Bell was at the forefront of Liberal ranks in the county of Durham and encouraged Durham electors to the Liberal cause. Evidence of this was manifest in the Tory landslide of 1874 when Durham remained Liberal. William T. Stead suggested that in both domestic and industrial politics, Bell 'used his pen and paper to promote the cause of labour, peace and the case of woman.'<sup>700</sup>

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<sup>698</sup> Alexander Andrews, *The History of British Journalism: From the Foundation of the Newspaper Press in England to the Repeal of the Stamp Act in 1855*, Volume 2 (London: Richard Bentley, 1859), p282.

<sup>699</sup> John Hyslop Bell, Northern Echo Prospectus, *Northern Echo*, 1869 WTS Resource Site.

<sup>700</sup> William Thomas Stead, "A North Country Worthy", *The Review of Reviews*, Vol. X, July, 1895, p85.



Stead had become editor of the *Northern Echo* in the summer of 1871, under Hyslop Bell's proprietorship. Stead described the paper as the 'halfpenny organ of stalwart Radicalism.'<sup>701</sup> The Liberals dominated the provincial press until 1890s, the majority of proprietors promoting both mass education and, of course, Liberal politics. (Ironically, whilst under Stead's steerage, the circulation increased, his dynamic "New Journalism" altered the emphasis of the local press from educational to entertainment). The *Dictionary of Nineteenth-Century Journalism* credits Stead with having 'gradually turned this small provincial newspaper, (circulation about 13,000), into one of the best known daily newspapers outside London. The *Echo* supported the causes of the radical Liberals, championed Gladstone and universal male and female suffrage.'<sup>702</sup> In a recent centennial tribute to Stead, the *Press Gazette* asserted that Stead was 'determined to use the paper as an "engine for social reform."<sup>703</sup>

During the period of Stead's tenure at the *Echo* (1871-1880), there was considerable editorial on the repeal of the British Contagious Diseases Acts, and whilst Stead may have been given editorial *carte blanche*, it seems likely that Bell supported his chief of staff in the paper's anti-CDA campaigns. For example, from an 1875 issue in which the CDAs were referred to as 'violating the fundamental principles of morality, liberty and justice...'<sup>704</sup>, to an 1876 description of the Acts as having been 'smuggled through the House of Commons in the small hours of the morning.'<sup>705</sup> In 1880 Stead left the *Echo*, joining the *Pall Mall Gazette* in London and, according to Alan Lee's history of the popular press, the *Echo* was then 'less

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<sup>701</sup> William Thomas Stead, *The Review of Reviews*, p85.

<sup>702</sup> Laurel Brake & Marysa Demoor, *Dictionary of Nineteenth-Century Journalism: in Great Britain & Ireland* (Ghent: Academia Press, 2009), p458.

<sup>703</sup> Emma Powell, Centennial Tribute to W.T. Stead, *Press Gazette: Journalism Today* (April 16<sup>th</sup>, 2012).

<sup>704</sup> *Northern Echo*, June 21<sup>st</sup>, 1875, Issue 1700.

<sup>705</sup> *Northern Echo*, May 10<sup>th</sup>, 1876, Issue 1977.

dramatically edited by John Marshal.<sup>706</sup> However, even as he began his editorship, Marshal drew attention immediately to the CDAs through an 1880 editorial requesting that Stansfeld take charge of the repeal movement.<sup>707</sup> A further rousing call to arms was evident in the summer of 1888, when reference was made to the ‘proceedings which the law of England regards as criminal, have been undertaken as duty by British officers in India.’<sup>708</sup> By 1888 the paper was making a loss, and in 1889 Bell sold it to a company of which he became a director.

James Stansfeld and the British Committee evidently felt such a Liberal press pedigree as Bell’s would add weight and corroboration to Bushnell and Andrew’s testimony, and asked him to travel to India on their behalf in November 1892 and to establish ‘how far the military and governmental authorities in India have truly complied with the recent parliamentary reversal of legislation touching what is known as the policy of the CDAs and particularly in light of the valuable evidence in the committee’s possession obtained by Dr. Bushnell and Mrs. Andrew’.<sup>709</sup> Bell’s inclusion in this chapter is predicated on the following reports in which the British military standpoint is represented, in contrast to the more personal and intimate accounts given by Bushnell and Andrew.

Bell’s first engagement in India was with a number of military officers, whose response to any suggested contraction of venereal disease legislation was predicated on the basis that India was held only by the stronghold of military conquest. The authorities justified their

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<sup>706</sup> Alan J. Lee, *The Origins of the Popular Press in England, 1885-1914* (London: Croom Helm, 1976), p136.

<sup>707</sup> *Northern Echo*, August 20th, 1880, Issue 3293.

<sup>708</sup> *Northern Echo*, June 6<sup>th</sup>, 1888, Issue 5705.

<sup>709</sup> John Hyslop Bell, *Special Report to the British Committee for the Abolition of the State Regulation of Vice, in India and throughout the British Dominions*, 3AMS/C/03/04, Box 093, p1, WL.

stance by stating that ‘the existence of a standing army implies the existence of many lesser evils; and your puritanical plumb-rule cannot be fairly introduced into military life as the standard of military morals.’<sup>710</sup> Bell interpreted this as meaning that ‘no legislative authority at home should presume to dictate what shall be done, within military cantonments, by military authorities, in India.’<sup>711</sup>

Stansfeld led these lines of enquiry with Bell throughout his interrogation as the latter confirmed his visit to four cantonments in December 1892, two of them previously visited by Bushnell and Andrew a year prior, in Meerut and Lucknow, and two others in Ahmedabad and Agra. On 7<sup>th</sup> December, Bell reported arriving at Ahmedabad Cantonment Hospital, where he was accompanied to the now-called Cantonment Hospital, by a ‘native landowner, who held a degree in English and spoke it well.’<sup>712</sup> The head nurse confirmed that British soldiers were examined weekly for venereal disease and having identified the appropriate women with whom they had had sexual intercourse, they were then still forced to have an invasive medical inspection.<sup>713</sup>

Bell then confirmed to Stansfeld that on 28<sup>th</sup> December, in Meerut, he had met the Reverend E.S. Busby, a resident of the city and a minister in the American Methodist Episcopal Church.<sup>714</sup> Together they visited the local Lock Hospital, now called the Cantonment Hospital, where, supposedly, both sexes were treated. However, according to the gentleman in charge of the register, only native women were admitted with currently thirteen female patients exclusively. The register, which Bell confirmed to Stansfeld he had seen, listed the

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<sup>710</sup> John Hyslop Bell, *Special Report*, p5.

<sup>711</sup> John Hyslop Bell, *Special Report*, p5.

<sup>712</sup> *Select Committee of Enquiry*, 21<sup>st</sup> April, 1893, Appendix I, No. 1646, p52.

<sup>713</sup> John Hyslop Bell, *Special Report*, p17.

<sup>714</sup> *Select Committee*, 21<sup>st</sup> April, 1893, Appendix I, No. 1507, p48.

diseases as ‘ulcerated vagina’, ‘syphilis’, ‘leucorrhoea’; and ‘gonorrhoea’.<sup>715</sup> He further advised that prostitutes were still ordered to undergo examination and that all other diseases were treated elsewhere.<sup>716</sup> Interviewing the women, some recalled Bushnell and Andrew’s visit the previous February and reasserted that their incarceration was involuntary and that non-attendance meant expulsion from the cantonment.<sup>717</sup> The Reverend Busby’s residence in Meerut raises a particular question, for there is no mention of him in Bushnell and Andrew’s report of their Meerut inspection, despite their adherence to the same religious group.<sup>718</sup> This confirms their description of their investigation as unauthorised in terms of military acknowledgement and the secrecy to which they were bound preventing any contact with official groups of either a religious or secular nature.

Bell was in Lucknow on 26<sup>th</sup> December accompanied by an English interpreter who had lived in India for thirty years. Bell talked to the assistant doctor, a Dr. Mollah Buxh, who spoke good English. Dr. Buxh confirmed that the hospital was now called the Cantonment General Hospital, and Bell ascertained that when not in hospital, the fifteen female patients were only permitted to live in the *Sader Bazaar* (huge wholesale market). There, several prostitutes advised that medical inspection was mandatory every Saturday at 2.00pm, conducted by either a native or a European male doctor.<sup>719</sup> Dr. Buxh, on the contrary, denied this, emphasising that there was no compulsory examination.

The only cantonment he visited in which modification of the Cantonment Acts regulation was apparently evident was in the Agra general hospital and dispensary. On 23<sup>rd</sup> December, Bell

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<sup>715</sup> *Select Committee of Enquiry*, 21<sup>st</sup> April, 1893, Appendix I, Nos. 1516-1526, p48.

<sup>716</sup> *Select Committee of Enquiry*, 21<sup>st</sup> April, 1893, Appendix I, No 1544, p49.

<sup>717</sup> John Hyslop Bell, *Special Report*, p10.

<sup>718</sup> Katherine Bushnell & Elizabeth Andrew, *The Queens Daughters in India*, pp39-40; *Select Committee of Enquiry*, 14<sup>th</sup> April, 1893, Appendix I, Nos 525-547, p16.

<sup>719</sup> John Hyslop Bell, *Special Report*, p18.

quoted a recently viewed military letter in which the new Cantonment General Hospital was to be available for all patients suffering a variety of infectious diseases, and not exclusively for VD sufferers. At the same time the letter emphasised that the building for VD cases should be ‘at some distance from the main building and quite separate from the Hospital.’<sup>720</sup> This indicated the most flagrant infringement of the 1888 Parliamentary repeal, and was compounded by the statements of a number of prostitutes that the weekly inspections continued apace and that only European soldiers were their clients.<sup>721</sup>

From the correspondence, Bell concluded that this was the official military view. He also suggested that the British military was now at pains to secure a partnership in military morals with the civil government of Agra, whose jurisdiction extended over both cantonment and the city itself. His evidence was sight of a letter from the cantonment magistrate to the chairman of the municipality, in which, justified by an apparent hike in VD amongst the men of the 65<sup>th</sup> Regiment, ‘the magistrate requested immediate enforcement of the registration and examination of prostitutes.’<sup>722</sup>

In Calcutta, Bell spoke to the Assistant Secretary of the Legislative and Medical Departments, a Mr. Wigley, who in response to interrogation quoted the Cantonment Act XIII of 1889, specifically Clause 21. This conferred on the Viceroy the power to make rules for the prevention of the spread of various infectious or contagious diseases within a cantonment. Bell noted that: ‘This power extended to the appointment and regulation of hospitals or other places within or without a cantonment for the reception and treatment of

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<sup>720</sup> Letter Major General E.H. Collen, Secretary to the GOI Military Department at Simla Sanitary Cantonment Hospital to Secretary to the Government Northwest Provinces and Oudh, 8<sup>th</sup> November, 1892, John Hyslop Bell, *Special Report*, p22.

<sup>721</sup> *Select Committee of Enquiry*, 21<sup>st</sup> April, 1893, Appendix I, No 1669, p53.

<sup>722</sup> John Hyslop Bell, *Special Report*, pp24-25.

any person suffering from any disease.’<sup>723</sup> In other words, despite the repeal of Indian legislation in 1888, the CA of 1889 allowed the Parliamentary representative, the Viceroy, to continue the treatment and incarceration of any diseased person. By this means, venereal disease could be disguised as just another infectious disease.

At the beginning of January 1893, whilst still in Calcutta, he also met the Surgeon Major General of India, Dr. Rice, who whilst denying that any vestige of the old Lock Hospital system remained, also supported any decisions to examine women thought to be diseased under this same Act XIII. Thus, the new Cantonment General Hospital had, in Bell’s words, wiped out ‘all trace of dealing with disease with any specific purpose whatever.’<sup>724</sup>

The separate wards in this hospital were as for any other hospital, the free female ward offering voluntary entrance and no registration. ‘No one hunts them down.’<sup>725</sup> Dr. Rice confirmed that the changes had been effected during his three-year tenure, ie in 1890, and Bell then told Dr. Rice that he had applied to the office of the Superintendent of Government Printing in Calcutta for the “Annual Reports of the Sanitary Commission with the GOI for copies of the years 1885-91 and had been advised they had been withdrawn from circulation. Although Dr. Rice had no control over this department, he offered to let Bell look at his own copy, only problematic because all his official papers remained in Simla. Interestingly, later in 1893, Dr. Rice complained to the GOI that Bell had misled a number of his military colleagues whilst in India. ‘Bell made representations about himself which I could only interpret as a desire on his part to convince me that he had no special purpose in seeking this

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<sup>723</sup> John Hyslop Bell, *Special Report*, pp35-36.

<sup>724</sup> John Hyslop Bell, *Special Report*, p37

<sup>725</sup> John Hyslop Bell, *Special Report*, p37.

information.<sup>726</sup> If, unaware of Bell's 'special purpose', why did Rice continue to prevaricate to the end? On January 5<sup>th</sup>, whilst in Darjeeling, Bell contacted the head of the Military Department of the GOI, Sir Edwin Colleen, asking for returns from Indian Stations during the previous six years, to which Colleen, whilst happy to meet, could offer no help with statistics because he was afraid that 'conditions have changed so much that any figures for the years prior to 1891 would be of no absolute value.'<sup>727</sup> He added that the 1891 figures, although compiled, had not been revised by experts and must be submitted before the Secretary of State for India prior to publication.

Bell and Colleen did meet on 10<sup>th</sup> January, Bell advising that whilst he had Dr. Rice's assurances that a complete evolution had been effected in the military hospital system, not a single piece of written or printed evidence was apparently available. He suggested that such evidence must exist when the law was subject to extensive changes, and given his possession of other sources of information, 'found irreconcilable conflict, under which circumstances, official records would afford the most satisfactory evidence.'<sup>728</sup> Colleen undertook to provide a précis of the orders issued and the measures taken, which he confidently predicted would show that the Lock Hospital system had been completely abolished and that with the inevitable few exceptions the orders given had been carried out, and dismissed as minor any 'circumstances of human error such as all would admit might occur in carrying out the affairs of a great empire.'<sup>729</sup> Despite several further requests by Bell, by 20<sup>th</sup> February, 1893, the précis promised by Colleen had still not arrived.

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<sup>726</sup> Letter Surgeon Major General W. R. Rice to Secretary, GOI, *Military Department*, 6<sup>th</sup> June, 1893, P/4383 (1431), OIOC.

<sup>727</sup> John Hyslop Bell, *Special Report*, p42.

<sup>728</sup> John Hyslop Bell, *Special Report*, p42

<sup>729</sup> John Hyslop Bell, *Special Report*, p43.

Returning from India in February 1893, Bell presented to Stansfeld's British Committee this report of his findings, (which would form the basis of his witness statement during that year's Select Committee of Enquiry), together with a history of the repeal movement he had compiled from 1866 through to the current day. His account provides an 'alternative' narrative that tells us more about official lines of ICDA's than it undermines that of Bushnell and Andrew. There were, however, gender politics here that underpinned the sending out of Bell, which clearly challenged the authority of Bushnell and Andrew as it suggested their evidence alone was not enough. Whilst Stansfeld's support for, and belief in, the capability of the two American women was not in doubt, societal patriarchy in the late nineteenth century determined a judicious approach of which Stansfeld was well aware.

### **Schism**

In a joint report, Bushnell and Andrew recalled a farewell breakfast at the Westminster Palace Hotel, prior to their departure, at which Stansfeld and Butler expressed their utmost confidence that a Parliamentary victory would soon be gained and that measures would be passed, during the present session, 'utterly abolishing from India the infamous Regulations whereby cheap and easy vice is furnished to the British soldier, and removing the heavy yoke of oppression from the wretched native women.'<sup>730</sup>

Thoroughly vindicated, Bushnell and Andrew thus returned to the United States in September that year after the Select Committee of Enquiry had closed, the WWCTU welcoming them unreservedly in a September edition of the *Union Signal*. 'These two ladies have performed a task for which they deserve to be canonised, did the protestant church have such a

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<sup>730</sup> Katherine Bushnell & Elizabeth Andrew, Joint Report 1891-1893, *Minutes of 2nd Biennial Convention of WWCTU*, p193.



ceremony.<sup>731</sup> They spoke at the first biennial convention of the WWCTU in Chicago and returned to England again two months later in November, 1893.

In a letter to Frances Willard in November, 1893 Josephine Butler acknowledged the joint effort of both American and British women in the causes of temperance and purity. ‘Two of your noble countrymen have accomplished in India a work which has resulted in the exposure and overthrow of a great deception of evil in our Indian Empire. These ladies have also succeeded in re-arousing our country, England, once more to a sense of the horror and wickedness of the legal enslavement of women in the service of vice.’<sup>732</sup> Bushnell and Andrew then visited India again, where their visit was recorded in *The White Ribbon of the WCT ‘Indian Union’* by Jennette Hauser, resident president of the national WCTU in India. ‘Early in January Bushnell and Andrew arrived in Rangoon, taking up temperance work again. We believe that the causes of temperance and purity will, by God’s blessing, receive a great impetus through the visits of these dear sisters.’<sup>733</sup> They then went on to Burma, Malaysia, China and Japan to investigate the opium trade, and eventually returned to the United States in June 1894. In a letter from Penang in March, 1894, Bushnell wrote to the WWCTU advising that Indian legislation was evidently still an issue. She repudiated the GOI who continued to protest at the large increase in VD rates since repeal in 1888, suggesting that when she and Andrew gave evidence in 1893, actually ICDA’s had not even been abolished. ‘Purity workers contend that even if CDAs were vigorously enforced, the very

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<sup>731</sup> Editorial, *Union Signal*, 21<sup>st</sup> September, 1893, Roll 9, p1, FWMLA.

<sup>732</sup> Josephine Butler, *Union Signal*, 2<sup>nd</sup> November, 1893, Roll 9, p4, FWMLA.

<sup>733</sup> Jennette Hauser, *The White Ribbon of the WCT ‘Indian Union’*, February 1894, *WWCTU-India Collection*, FWMLA.

system cultivates rather than suppresses disease and that increased cultivation is in direct proportion to the increased surveillance.’<sup>734</sup>

The following year saw them holding a series of meetings around Britain into the spring of 1896, sponsored by both the WWCTU and the British Committee for the Abolition of State Regulation of Vice in India. According to Lady Henry Somerset’s latest biographer, Olwen Claire Niessen, ‘they were heard by large crowds and were accompanied by Somerset, Willard and Butler on the “Bitter Cry from India”’<sup>735</sup> Following further purity work in Europe, once again they went home in December 1896. They made their headquarters at Andrew’s home in Rochester, New York for some weeks and then set off for Australia and South Africa and finally England in the summer of 1897.

Bushnell and Andrew’s report was evidence of the working co-operation between purity reformers and temperance women, but there were ideological differences. Willard was annoyed that Butler and her purity workers were given most of the credit, whilst the American’s connections with the WWCTU were minimised, certainly in the secular press, on both sides of the Atlantic. Niessen suggests that Butler’s ties with the WWCTU were tenuous, that she only agreed to become superintendent out of gratitude for the work of Bushnell and Andrew and, more importantly, ‘did not agree that drinking indubitably led to impure acts. Butler considered both Somerset and Willard to be less well informed on the abolition of CDAs than on temperance.’<sup>736</sup> She wrote to Fanny Forsaith (secretary of the British Committee), even before the Select Committee had begun their enquiry suggesting

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<sup>734</sup> Katherine Bushnell, Penang, Malaysia, *Union Signal*, 29<sup>th</sup> March, 1894, Roll 9, p5, FWMLA.

<sup>735</sup> Olwen Claire Niessen, *Aristocracy, Temperance & Social Reform* (London: Taurus Academic Studies, 2007), p193.

<sup>736</sup> Olwen Claire Niessen, *Aristocracy, Temperance & Social Reform*, p194.

that ‘they [Willard and Somerset] do not realise the political and aggressive nature of our work.’<sup>737</sup>

As president of the British Woman’s Temperance Association, which had become affiliated to the WWCTU in the late 1880s, Lady Henry Somerset travelled to Boston in 1891 to attend the first biennial convention of WWCTU where she met Frances Willard. They developed a close emotional and political relationship which was to define the principles of the WWCTU for the remainder of the century. In early November Somerset wrote to her mother and sister from Chicago. ‘Miss Willard presided most charmingly; how delightful she is, she is quite unique, so refined and winning and gentle.’<sup>738</sup> Not least of her attractions for Willard was Somerset’s financial aid, to which Willard referred in addressing the second convention in 1893. ‘The financial backing afforded by Lady Henry Somerset....who has not only the heart but the purse with which to stand by us in the stress of difficult emergencies.’<sup>739</sup> Tyrell suggests that in 1893 Somerset ‘gave an amount equivalent of the entire American WWCTU dues.’<sup>740</sup>

Social purity was not of particular interest to Somerset; indeed she regarded the subject as unsavoury and accused Bushnell and Andrew of ‘having a taste for it.’<sup>741</sup> In early 1894, Butler, then in Lausanne, Switzerland, spoke in a private letter to Fanny Forsaith, of her resentment at the intervention of Willard and Somerset in a cause which she had pioneered.<sup>742</sup> A year later, writing to her friends, the Misses Priestmans, she expanded her difficulties with

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<sup>737</sup> Letter *Josephine Butler to Fanny Forsaith*, 30<sup>th</sup> March, 1893, 3JBL/32/10, WL.

<sup>738</sup> Kathleen Fitzpatrick, *Lady Henry Somerset* (London: Jonathan Cape, 1923), p172.

<sup>739</sup> Frances Willard, Address to Second Biennial Convention of WWCTU, 1893 (*LSE Selected Pamphlets*, 1893).

<sup>740</sup> Ian Tyrell, *Woman’s World; Woman’s Empire*, p31.

<sup>741</sup> Enid Moberly Bell, *Josephine Butler: Flame of Fire*, p191.

<sup>742</sup> Letter *Josephine Butler, to Fanny Forsaith*, 8<sup>th</sup> April, 1894, 3JBL/33/15, WL.

the Americans, advising that ‘their members were going sadly wrong on account of their ignorance of the abolitionist question.’<sup>743</sup> In this letter, Butler also referred to a ‘letter signed by purity workers of the WWCTU defending the CDAs.’

Following their 1893 report before the Select Committee, the two American missionaries had received both financial and professional assistance from Lady Henry Somerset and had also been frequent guests at her palatial home, Eastnor Castle, in Herefordshire. Niessen tells us that they discontinued their relationship in 1895, without an explanation, her interpretation being that they felt slighted by Somerset and Willard in their selection of an alternative superintendent for the WWCTU’s European policy. Whilst there is little concrete evidence to support this allegation, it is certainly true that they did resign from WWCTU the following year, citing purity work as one of the several policies with which they took issue.<sup>744</sup>

Meanwhile the GOI and the British Army in India had continued to oppose the Select Committee ruling of 1893 and India again became the focus of agitation when in 1896 and 1897 major efforts were made to reverse that decree. In response, many Abolitionist workers met in Birmingham on 13<sup>th</sup> April, 1896 to protest against this threatened renewal of Indian CDAs. Butler requested that Somerset not be asked to speak, suggesting that ‘eloquent generalities about prostitution’ were insufficient. This indicates some of the tensions now continuously reverberating within the movement: Butler, Bushnell and Andrew on one side, concerned about ICDA abolition, whilst Willard and Somerset’s interests lay within temperance and perceived support for some regulation.

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<sup>743</sup> Letter *Josephine Butler to Misses Priestmans*, 4<sup>th</sup> April, 1895, 3JBL/34/16, WL.

<sup>744</sup> Ian Tyrell, *Woman’s World; Woman’s Empire*, p205.

Continuing the campaign for the re-instatement of some level of sexual regulation of indigenous Indian women, in November 1896 the GOI, with the backing of the Army Sanitary Commission, advised that fifty percent of British soldiers stationed in India had, at any time, contracted VD since repeal in 1888. The Secretary of State for India in a new Conservative government, Lord George Hamilton, appointed a departmental committee to investigate and their report supported the GOI figures. At the beginning of April, 1897, in *The Times*, Hamilton requested some level of sexual regulation in India be re-instigated, whilst, cannily, ending his article: 'I am confident that in any measures which may be adopted there must be nothing that can be represented as an encouragement of vice.'<sup>745</sup>

WWCTU was drawn back into the debate, according to Somerset's first biographer Kathleen Fitzpatrick, when Hamilton then asked Somerset, who was now vice-president of WWCTU, for her comments on the proposed new rules for 'checking the spread of Venereal Diseases among British troops.'<sup>746</sup> Niessen explains that 'this new policy treated VD as any other contagious disease, without compulsory examination of prostitutes. However the women's failure to submit voluntarily would result in expulsion from the cantonment.'<sup>747</sup> Kenneth Ballhatchet described this as 'effectively, compulsion in another guise.'<sup>748</sup> In other words, the proposed new rules threatened the freedoms of Indian prostitutes as surely as had the original legislation, indeed mimicking the ICDA.

It seems extraordinary that Hamilton sought such approval, but he must have thought he would obtain Somerset's support and thereby split the purity movement, which it indeed did.

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<sup>745</sup> Lord George Hamilton, *The Times*, 2<sup>nd</sup> April, 1897, p11; Issue 35167; col. D.

<sup>746</sup> Kathleen Fitzpatrick, *Lady Henry Somerset*, p177 (Somerset to Willard, 2<sup>nd</sup> and 27<sup>th</sup> April, 1897, *Lady Henry Somerset Papers*, FWMLA).

<sup>747</sup> Olwen Claire Niessen, *Aristocracy, Temperance & Social Reform*, p196.

<sup>748</sup> Kenneth Ballhatchet, *Race, Sex & Class under the Raj*, pp91-92.

Somerset responded in an open public letter to the *Times* on 21st April, 1897, a missive in which she suggested that the previous difficulties of the ICDA had been ‘the reconciliation of the moral and scientific problems. To make the system relentlessly strict as far as preventing any diseased person of either sex from poisoning another is the only thing that is scientifically defensible.’<sup>749</sup> Somerset then stated her support for the corralling of Indian women in specified accommodation within the cantonments and their periodic examination, together with that of the soldiers also and where diseased, quarantine. There was an outcry against this leading official of the WWCTU and the BWTA publicly sanctioning the state regulation of prostitution in India, and Bushnell and Andrew were prominent in their attack at the heart of Somerset’s claim that men were forced into debauchery if the temptation were sufficiently strong. Somerset was fully aware of the likely reaction of the abolitionists.

Niessen argues that, ‘the most virulent of these outraged ladies were two American “Uplifters” who a few years before had been guests at Eastnor.’<sup>750</sup> This points up both the personal fallout and the political debate. Later that year, Bushnell wrote to Willard: ‘I am praying silently that the time is not long when that miserable woman’s public career will be ended...And you are silent. Do you think the American women will hold you guileless? You have chosen to let your vote go with her by this silence.’<sup>751</sup> A strong accusation indeed from a one-time close colleague.

Bushnell and Andrew published a pamphlet in late summer 1897, *A Fatal Mistake*, suggesting that the WWCTU was in crisis and that ‘God was weighing the organisation in the balance.’<sup>752</sup> They accused Somerset of ‘supporting a scheme based on the assumption that to

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<sup>749</sup> Lady Henry Somerset, *The Times*, 21<sup>st</sup> April, 1897; p10; Issue 35183; col C.

<sup>750</sup> Olwen Claire Niessen, *Aristocracy, Temperance & Social Reform*, p201.

<sup>751</sup> Olwen Claire Niessen, *Aristocracy, Temperance & Social Reform*, p203.

<sup>752</sup> Katherine Bushnell & Elizabeth Andrew, *A Fatal Mistake*, JB Collection, 349.5402535.BUS, 1897, p3, WL.

license a vice would check diseases due to that vice.<sup>753</sup> They refuted the claim that VD had risen dramatically since repeal in 1893 and challenged Somerset to reveal ‘how did she discover and verify her facts? Even Lord Roberts had to admit he did not know the conditions prior to the Select Committee of Enquiry.’<sup>754</sup> They drew on their own personal experience to challenge Somerset’s claims that the cantonments were overrun with soliciting women: ‘We never saw one cantonment prostitute soliciting for business.’<sup>755</sup> Bushnell reacted particularly strongly to Somerset’s letter, viewing her suggestions as tantamount to the legalisation of surgical rape and government support for immorality amongst British troops in India.

Josephine Butler also produced a pamphlet in 1897, *Truth Before Everything*, in which she decried Somerset’s proposals as ‘a pitiful hybrid monster.’ At the heart of her message was the advocacy of separating purity and abolitionism, advising abolitionists to ‘beware of “purity workers” as allies in our warfare.’<sup>756</sup> Niessen accuses Butler, Bushnell and Andrew of being ‘fortified by a class-based antipathy toward the aristocracy, rendered more powerful by their exemplary reputations within the international temperance and purity commonwealth.’<sup>757</sup>

In September 1897 Butler wrote to the purity department of WWCTU, pointing out that the only reason she had taken the position as world superintendent for purity was that for thirty years she had worked for the abolition of the state regulation of vice. That work was, Butler

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<sup>753</sup> Katherine Bushnell & Elizabeth Andrew, *A Fatal Mistake*, p1.

<sup>754</sup> Katherine Bushnell & Elizabeth Andrew, *A Fatal Mistake*, p8.

<sup>755</sup> Katherine Bushnell & Elizabeth Andrew, *A Fatal Mistake*, p10

<sup>756</sup> Josephine Butler, *Truth Before Everything* (Liverpool: Pewtress, 1897), p13.

<sup>757</sup> Olwen Claire Niessen, *Aristocracy, Temperance & Social Reform*, p200.

asserted, ‘now openly opposed by Somerset.’<sup>758</sup> And to the Misses Priestmans in October, ‘Miss Willard will not oppose Lady Henry Somerset so thousands are misled.’<sup>759</sup> By the end of 1897 Bushnell, Butler and Andrew had all resigned their membership of WWCTU. In his analysis, Tyrell suggests that all three ladies had harboured serious doubts about the efficacy of Somerset’s approach to purity issues for some time, Butler ‘having a jaundiced view of the English aristocracy as rife with sexual corruption, Bushnell and Andrew having an American-derived distrust of formal class pretension.’<sup>760</sup> It becomes clear that the movement lost a sense of common goal after the repeal.

In January 1898, when Frances Willard became fatally ill, Lady Henry retracted, Fitzpatrick attributing this change of heart to Willard’s condition.<sup>761</sup> However, the continuing disruptions evident within WWCTU throughout this time were not brought on, according to Tyrell, by this, but by Somerset’s previous stand.<sup>762</sup> Willard died on 18<sup>th</sup> February 1898, coincidentally the day on which James Stansfeld also passed away. In the spring of 1898, Somerset’s position as president of the BWTA was challenged; she won, retaining her position until 1903, and also, elected president of WWCTU, held that office until 1906.

The deep rift between the two factions and the disillusionment felt by Butler, Bushnell and Andrew is evident in a letter from Andrew to Fanny Forsaith the day following the deaths of Stansfeld and Willard. She writes: ‘they cannot help feeling immense relief, for one who was once so great a blessing has of late wrought only injury.....in contrast, there is Stansfeld

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<sup>758</sup> Letter *Josephine Butler to Purity Department, WWCTU*, 27<sup>th</sup> September, 1897, 3JBL/38/39, Box 4, WL.

<sup>759</sup> *Josephine Butler to the Misses Priestmans*, 12<sup>th</sup> October, 1897, 3JBL/38/42, Box 4, WL.

<sup>760</sup> Ian Tyrell, *Woman’s World: Woman’s Empire*, p205; Letter *Josephine Butler to William Clark*, 30<sup>th</sup> November, 1897, 3JBL/38/61, WL.

<sup>761</sup> Kathleen Fitzpatrick, *Lady Henry Somerset*, pp183-4.

<sup>762</sup> Ian Tyrell, *Woman’s World: Woman’s Empire*, p206.



whose memory will be honoured and cherished by his friends and by thousands whom he strengthened for the 'Good Fight'.<sup>763</sup>

Bushnell and Andrew finally returned to the US and settled in Oakland, California by 1904. They co-authored a book detailing the results, *Heathen Slaves & Christian Rulers*,<sup>764</sup> published in 1907, and also participated in campaigns against the sex trafficking of women in San Francisco's Chinatown. Although Mrs. Andrew disappeared from reform activities after 1907, Dr. Bushnell continued her work, publishing, originally as a correspondence course, the results of intensive Bible studies in her later years, examining every scripture relating to women. *God's Word to Women*<sup>765</sup> was first published in 1908 and later, as a book in 1921. At this point in time social purity was moving in a new direction and some historians, including Judith Walkowitz, have identified the ideology of social purity as becoming more sexually and class repressive than the repeal campaign.<sup>766</sup> For Butler and colleagues, it certainly became more difficult once the Conservatives regained power in 1895, for whilst repealers had support from Liberal politicians, the Conservatives were far more concerned with empire than with the status of women.

## Conclusion

By tracing the narratives of Bushnell and Andrew as well as Bell's counter-narrative in the context of wider American and British missionary politics and the purity movements in the

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<sup>763</sup> Letter *Elizabeth Andrew to Fanny Forsaith*, 19<sup>th</sup> February, 1898, 3JBL/39/32, WL.

<sup>764</sup> Katherine Bushnell & Elizabeth Andrew, *Heathen Slaves & Christian Rulers* (Oakland, CA: Messiah's Advocate, 1907).

<sup>765</sup> Katherine Bushnell, *God's Word to Women* (Oakland, CA: Women's Correspondence Bible Class, 1916).

<sup>766</sup> Judith Walkowitz, *Prostitution and Victorian Society: Women, class, and the state* (Cambridge: Cambridge University Press, 1980), p252.

two countries, this chapter has shown, then, that there existed particular investments in the Indian CDAs. This historical evidence also indicates some of the international links of the temperance movement and the role of women within it. It has shown that repeal debates were influenced by the temperance movement, as many repealers, including Butler, Bushnell and Andrew, considered alcoholism a main cause of women's suffering. The chapter has furthermore shown that by the later stages of the nineteenth century, there were a number of religious and philanthropic organisations in several different geographical arenas with some female staff who were linked to each other.

Bushnell and Andrew provided a crucial link for British repealers such as Stansfeld and Butler to Indian women directly. Suspicious of the reliability of imperial officials Stansfeld and Butler sent the two American missionaries to India with the aim of providing what they considered to be a more accurate view of the situation of Indian prostitutes. It is clear that their investigations troubled the assumption of 'scientific truth' produced by imperial military observers and that their observations suffered from gender prejudice when they were received in the British Parliament.

More broadly, the contribution of Bushnell and Andrew to the debates about the repeal of the ICDA also reinforces Stansfeld's commitment to letting women's voices be heard, including their voices as experts.

## **Conclusion**

The thesis has shown that James Stansfeld made an vital contribution to the debates about prostitution and the repeal of the CDAs in late nineteenth-century Britain and India.

Prompted by the realisation that the full extent of his contribution had not yet been fully excavated by critics, the thesis has provided a detailed account of Stansfeld's own involvement in the political debates. In so doing it has furthermore made clear that a critical focus on Stansfeld provides new insights into the development of debates about the regulation of VDs in Britain and India. For, as my investigation of a wide range of little discussed nineteenth century texts – including private papers, newspapers, and diverse aother documents – has shown, Stansfeld's influence and networks, as well as his reception, reached across different political and geographical spheres in the Victorian empire.

In what follows, I conclude this investigation with a brief examination of Stansfeld's death and its reception, and a consideration of his legacy, because, I argue, these materials further indicate the scope of his work and its lasting impact.

### **Last Rites**

Having formally retired from the Parliamentary representation of Halifax in June 1895, Stansfeld received a knighthood from Queen Victoria in the same year. He died on 17<sup>th</sup> February 1898, aged 78 years. Vilified and lauded in equal measure by his peers and the press during his public lifetime, his many obituaries reflect the political nature of their allegiances. *The Times*, for example, reporting on the day after his death, paid particular

attention to his influence in local government and on Irish affairs. Reflecting the paper's conservative stance and anti-CDA perspective, it made no mention of the cause to which he dedicated most of his parliamentary life.<sup>767</sup> But generally Stansfeld's obituaries were positive. Josephine Butler, for example, wrote a lengthy memorial to Stansfeld in her memoirs in which she particularly recalled his 'courage, dauntless hope, cheerful confidence and the pluck that characterised him to the very last.'<sup>768</sup>

One of the fullest and most complimentary obituaries was published in the New Zealand newspaper, *The Marlborough Express*. The country at the time had strong liberal sympathies – New Zealand's first Liberal Government had been established in January 1891 and was due to remain in power until July 1912 – and so it should come as no surprise that Stansfeld was an important figure.. This article captures many key attributes of Stansfeld's liberalism, which is why it is here reproduced in full.

By the death of the Right Hon. James Stansfeld, the English Liberal party loses one of the most consistent and able of its champions. A Yorkshireman by birth he became prominently known as an ardent supporter of the rights of the Nonconformists and as an energetic worker in the cause of Radical reform. He entered Parliament as member for Halifax in 1859 and joined the Gladstone Ministry of 1868 as a Lord of the Admiralty. He was a personal friend of the Italian patriot Mazzini, and that was indirectly the cause of his resignation as a Minister in 1864, it being considered undesirable that he should take so prominent a part in championing a man who, although undoubtedly a patriot, had been connected with Continental conspiracies of a very dubious nature. Later on, James Stansfeld was for a short time a member of Lord John Russell's Ministry and joined Mr. Gladstone's Cabinet in 1868 as third Lord of the Treasury. In 1871 when the new Local Government Board was set up, he became its first president and achieved a deservedly high reputation as an administrator

Throughout his long political life Mr Stansfeld was a most uncompromising opponent of the Contagious Diseases Act, and it was largely owing to his platform work and propaganda generally that the CDAs were finally repealed

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<sup>767</sup> 'Death of Sir James Stansfeld', *The Times*, 18<sup>th</sup> February, 1898; p14; Issue 35443; col A

<sup>768</sup> Josephine Butler, "An Autobiographical Memoir", ed. by George W. and Lucy A. Johnson, 2<sup>nd</sup> impression, *The Storm Bell* (London: Simkin, Marshall, Hamilton, Kent & Co, 1990), p245.

a few years ago. He was also a staunch supporter of the female franchise. He was a pillar, too, of the English Liberation Society, whose object was the disestablishment of the English State Church, and also took a great interest in the reform of the Land laws. A little inclined to be puritanical and narrow-minded, he was an honest, earnest-minded man, who in his day did good service to his country.<sup>769</sup>

The obituary makes clear that the facts of Stansfeld's life were well known, for as news travelled in the nineteenth-century world, this paper would have derived much of its information from Britain. It is also documented that *The Marlborough Express*, which was known to support liberal politics, was founded in 1866 by an English journalist, Samuel Johnson, who emigrated to New Zealand with a group of non-conformists in 1862.<sup>770</sup> Whilst this research has demonstrated a puritanical aspect to Stansfeld's character, the criticism here of his apparent parochialism in focusing too narrowly on prostitution, can be countered by his first strong commitment to Italian unity and to his all-encompassing support of women's rights.

Some thirty years later, Stansfeld continued to be remembered. From the 1903 formation of the Women's Social and Political Union fighting for extension of the franchise, through the programme of social reform under Liberal Prime Minister Campbell-Bannerman to the Sex Disqualification Removal Act of 1919 and the conferring of degrees on women at Oxford in 1920, a number of political issues remained firmly connected with Stansfeld's own commitments. In 1932 the *Church of England Newspaper* described him thus: 'Some of us can just remember him in Parliament, as a tall, dignified, rather austere man. He took statesmanship as seriously as he took himself, but then that was a characteristic of the

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<sup>769</sup> *Marlborough Express*, Blenheim, New Zealand, Vol. XXX111, Issue 45, 22nd February, 1898, p2.

<sup>770</sup> D. G. Edwards, "Johnson, Samuel", *Dictionary of New Zealand Biography*, Vol.2, (Auckland: Auckland University Press, 1993).

Victorians and not a bad characteristic either.<sup>771</sup> In the *Manchester Guardian* in September that year, on the publication of the Hammond's book, James Stansfeld was described as having the 'spirit of the crusader which always overpowered the politician.'<sup>772</sup> In the same month *Public Opinion* said, 'to use a phrase William Gladstone applied to Cobden and Free Trade and to Parnell and Home Rule, he (Stansfeld) put the argument on its legs.'<sup>773</sup> What comes out of these writings is a clear impression of Stansfeld's dedication and single-mindedness in the cause of female emancipation.

### **Stansfeld's legacy**

What then, is Stansfeld's legacy? A little known fact is that he helped open up the medical profession for women as he argued in the 1870s that training should become available to modern female medical students.<sup>774</sup> From Elizabeth Garret Anderson and Elizabeth Blackwell to the current intake at St Georges Medical School, London, the ratio of female to male students stands at 59 to 41% respectively, suggesting that women are making a significant contribution to the profession.

Stansfeld's most direct impact, however, as this thesis has shown, was on debates in nineteenth-century Britain and India where his non-stop political attrition on repeal of the CDAs in both the Commons and against the GOI, following the initial successful outcome of his 1893 Enquiry, helped to change the way prostitution was dealt with. But the legacy of this work is complex. For Butler's and Stansfeld's assertion that a woman has the

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<sup>771</sup> *Church of England Newspaper*, 14th February 1932.

<sup>772</sup> JSM/12/3, *Manchester Guardian*, 29th September 1932, WL.

<sup>773</sup> JSM/12/3, *Public Opinion*, 20th September 1932, p322, WL.

<sup>774</sup> Leigh Ann Whaley, *Women's History as Scientists: A Guide to the Debates* (Oxford: Oxford University Press, 2003), p178.

fundamental right to choose prostitution did not have strong legal impact. In August 1914 the Government passed the Defence of the Realm Act (DORA), which ‘exercised wide-ranging powers on all aspects of society including censorship and imprisonment without trial.’<sup>775</sup> Throughout the first World War period magistrates disregarded the law, subjecting prostitutes to incarceration and examination. In 1918 the original Act was expanded to include a Regulation 40D which labelled as seditious any woman who had sexual intercourse, or who solicited for that purpose, with a soldier or sailor. Arrest and examination followed and whilst the latter was not enforceable, the Courts brought their own negative interpretation upon those women who refused: there was no penalty on their clients. Hansard reports a certain H. Lees-Smith, MP noting that ‘if the Contagious Diseases Acts failed to give security, this Regulation will be an absolute delusion.’<sup>776</sup>

In Britain prostitution itself (the exchange of sex for money) remains legal, although the surrounding activities (brothels, pimping, soliciting) are prohibited by law. Legislation in India currently mirrors that at home, although under Act 44, the Immoral Traffic (Prevention) Act, known as PITA which came into force in 1986, the legal implications also cover the clients of prostitutes who, according to V. Sithannan, a retired police superintendent, can also be charged if found guilty of engaging in sex acts within two hundred yards of a public place.<sup>777</sup> This exploration provides a backdrop for understanding the present system of regulating prostitution in Britain and India. This system is, according to a recent examination of prostitution by feminist historian Helen Self, ‘generally thought to be not only unjust and

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<sup>775</sup> *Imperial War Museum, London*, [wm.org.uk](http://wm.org.uk) (Last accessed 10<sup>th</sup> October, 2013).

<sup>776</sup> *Hansard* HC Deb 19<sup>th</sup> June, 1918, Vol 107, cc 449.

<sup>777</sup> Veerappan Sithannan, *Immoral Traffic: Prostitution in India*, (Chennai: Jeywin Publications, 2006), p95

discriminatory, but also ineffective.<sup>778</sup> Self's assessment exactly mirrors that of her nineteenth-century predecessors. However, Nils Ringdal also suggests in his recent history of global prostitution, that there is today a 'dominant trend worldwide in the willingness among politically and socially concerned women to assist prostitutes without any subtext of saving them.'<sup>779</sup> Whilst the nineteenth-century evangelical Christian ideology of salvation may be missing from this trend, the fundamental notion of a prostitute's rights accord very much with those of Josephine Butler and James Stansfeld and remain to this day a powerful legacy.

It is impossible to state conclusively that without Stansfeld's political and personal resources the abolitionist campaigns would have floundered, and women's professional development impeded: yet if, as Judith Walkowitz concludes, Josephine Butler was perceived as the 'great mother of modern feminism'<sup>780</sup>, then, I would contend that, James Stansfeld was the proud father.

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<sup>778</sup> Helen H. Self, *Prostitution, Women & the Misuse of the Law: The Fallen Daughters of Eve*, (London: Frank Cass, 2003).

<sup>779</sup> Nils Ringdal, *Love for Sale: A Global History of Prostitution*, trans. by Richard Daly, (London: Atlantic Books, 2004), p399.

<sup>780</sup> Judith Walkowitz, *Prostitution and Victorian Society*, p255



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 3BGF: British Committee of the Continental & General Federation for the Abolition of Government Regulation of Prostitution.  
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 3JBL: Josephine Butler Letters Collection.  
 3JSM: James Stansfeld Memorial Trust  
 3LNA: Ladies National Association.  
 3MGF: Millicent Garrett Fawcett Collection  
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