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# Prostitution and racialised sexuality: the regulation of prostitution in Britain and the British Empire before the Contagious Diseases Acts

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**Abstract.** In this paper I examine the interplay of race and sexuality in 19th-century British colonial legislation concerning prostitution. I demonstrate that British systems of regulation of prostitution predated the introduction of the Contagious Diseases Act in 1864, and that rather than spreading from Britain to its colonies regulationist measures developed from the interplay of metropolitan–colonial relations. The example of Hong Kong serves to illustrate both the priority of colonial systems for the regulation of prostitution and the explicitly racialised nature of this legislation. I argue that colonial practice served as more than a merely legislative precedent for domestic measures, however, as racial discourse and practice can be seen to mark all attempts at the regulation of prostitution, at home and abroad; and the conception of ‘racialised sexuality’ is useful for understanding both colonial and domestic measures for the regulation of prostitution. Understanding the historical geography of regulation therefore undermines conventional analyses of relations between imperial metropole and colonial periphery, and directs our attention to the articulated categories of race, class, sexuality, and gender in the complex colonial spaces of the British imperium.

## Introduction

The figure of the prostitute and the phenomenon of prostitution are central to any understanding of Victorian society. One area in which this scholarship is still at a rudimentary stage, however, is the relationship between prostitution and Britain’s imperial experience. There is a growing literature on imperial sexualities (see, for example, Ballhatchet, 1980; Hyam, 1990; Levine, 1994; Manderson, 1997; Stoler, 1997), and a wider recognition that race, class, and gender are interrelated categories (see, for example, de Groot, 1989; McClintock, 1995; Ware, 1992), but this scholarship remains largely confined to the purlieus of colonial and postcolonial studies. The substantive scholarship on empire and sexuality is still, I would argue, ‘marginal’, in the sense that in most general work on the topic imperial metropolis and colonial periphery are related more by association than causation, and largely through a temporal model of succession rather than through any more complex historical geography. Experiences in the metropolis—sexual policies, attitudes, assumptions, identities, and subjectivities—are too often represented as removed or translated fully formed to the colonies, which occupy therefore only a marginal and subordinate place. Sexuality, for instance, has been discussed as a significant contributory factor to the imperial project, as a stimulus or impetus that originated in the metropolitan core, in what Ronald Hyam (1990) is at pains to call its ‘home base’. In this paper I aim to challenge this view by demonstrating that metropolitan constructions of sexuality, class, and gender were bound up with the British imperial experience in much more complex ways. I focus on the policy and practice of regulating prostitution in order to do this: the aim here is to revise a conventional chronology and geography which places the colonies and racial practices in a subordinate position, and to do so from an analysis, consonant with this revised historical geography, which insists on the geographical and temporal inseparability of the categories and discourses of class, sexuality, gender, and race.

### Prostitution and 'regulation'

It is immediately important to be clear about terms when considering the regulation of prostitution, before the history and geography of British policies can be properly addressed.<sup>(1)</sup> Notoriously, there is no simple definition of 'prostitution' (see Levine, 1993). The nature of commercial sex-work, and the policies directed to it, have no clear or unambiguous status, not least when examined historically and geographically. In Britain, in the modern period, however, prostitution did become increasingly well defined by legal and medical discourse. A model of venal female sexuality was constructed in the 19th century which informed social policies designed to tackle what were considered to be prostitution's dangerous and disturbing ill-effects. The passing of successive Contagious Diseases Acts in 1864, 1866, 1868, and 1869, which amounted to "the single most important legislative intervention addressing sexuality throughout the nineteenth century" (Mort, 1987, page 68), was the culmination of this process.<sup>(2)</sup> The Acts, which have exerted an enduring fascination for scholars (Ogborn, 1993; Smith, 1971; 1990; Walkowitz, 1980a; Ware, 1969), empowered state authorities to identify, inspect, and detain, if necessary, any prostitute suspected of suffering from venereal disease and threatening to pass that disease on to the soldiers, sailors, and citizens of certain specified English and Irish cities. The Acts are recognisably a form of *regulation*, one variant of a system and approach to prostitution that involved an acceptance of the inevitability of commercial sex combined with a search for strategies of containment and sanitation.<sup>(3)</sup> A measure for both policing and social hygiene, regulation involved the medical surveillance of women of the lower classes, and aimed to combat venereal disease by removing infected women from the circuits of sexual commerce.<sup>(4)</sup> Crucially, therefore, regulation worked to define and pathologise the prostitute, but at the same time necessarily acted to control the sexuality of all women (Moscucci, 1990; Spongberg, 1997; Walkowitz, 1980b).

The importance of this strategy for regulating prostitutional activity is its essential modernity. The role of regulation in state formation, for instance, is widely recognised (see, for example, Bernstein, 1995; Gibson, 1986; Ogborn, 1993; Walkowitz, 1980a).<sup>(5)</sup>

<sup>(1)</sup> A defence of the use of the terms 'prostitute' and 'prostitution' is also in order. Although many have recognised the dangers of perpetuating Victorian moral discourse by the use of such words (see, for example, Levine, 1993; White, 1990), to the degree that some commentators have preferred 'sex-work' and 'sex-workers', these terms seem to me to be equally misleading, with their own normative overemphasis on *labour*. Much of what the Victorians saw as 'prostitutional' activity can certainly be understood as forms of labour, but it was not unproblematically understood as 'work' by Victorian society. For this reason alone, and for the purposes of this paper, use of the terms 'prostitute' and 'prostitution' can be defended. For the Victorians, 'prostitute' referred only to women, and I follow this exclusivity. I certainly do not mean by using any of this language to naturalise or normalise this particular discourse.

<sup>(2)</sup> The amending 1868 (Ireland) Act is almost invariably missed off the roll call of Acts by historians. Minor as this amendment is, this is arguably indicative of the neglect of the colonial significance of regulation.

<sup>(3)</sup> Note that 'regulation' in this paper is used throughout in the specific sense outlined here, as an approach to the perceived problems of prostitution based on (limited) tolerance. It is *not* to be confused with the broader senses of 'regulation', even where these may seem to overlap to a large degree, as in, say, discussions of the regulation of sexuality. A useful contemporary geographical analysis of spatial regulation, informed by historical work, can be found in Phil Hubbard (1998).

<sup>(4)</sup> This is certainly a wider problem of social and sexual order, with a very long history stretching back to medieval times (see Otis, 1985; Rossiaud, 1995), but the growing problem of venereal disease was the immediate stimulus to the development of modern regulatory measures. The role of the emergent medical professions is clearly crucial as well (Mort, 1987; Spongberg, 1997).

<sup>(5)</sup> The well-known work of Philip Corrigan and Derek Sayer (1985) on state regulation as a form of cultural revolution is clearly apposite here, though as I have noted above 'regulation' is used by them in a different sense to that used throughout this paper.

In regulatory systems the state comes to assume responsibility over a whole new area of public health and morals. Indeed, prostitutes under the British Contagious Diseases Acts were occasionally referred to as ‘Government women’ or ‘Queen’s women’, the female counterparts of the soldiers and sailors who were typical clients. And though voluntarism, private philanthropy, and the local state were not excluded from such intervention, it is the intrusive responsibility of the central state for both civil and military populations, for both public and private spheres, that is clearly distinctive.<sup>(6)</sup>

Class and gender ideology are also overwhelmingly evident in this legislative approach to prostitution. Prostitution was seen as a problem of the lower classes, their animality forming an instructive contrast to bourgeois self-control, and systems of regulation depended on and codified a well-entrenched gender ideology which treated men and women quite differently. The lenient treatment of men, whose sexual urges were naturalised and for whom sexual license was guaranteed, contrasts to the pathologising and criminalising of women. Though soldiers and sailors were examined for disease before 1859 (Trustram, 1983), and continued to be examined unofficially after that date, the focus of regulation was always on women. Accordingly, feminist historians have treated the regulation of prostitution as one of the most compelling illustrations of the Victorian sexual double standard, and the campaigns to repeal regulationist systems have to a greater or lesser degree been accorded feminist credentials (Walkowitz, 1980a; Wood, 1982).

Although the framing elements of systems for the regulation of prostitution, not only in Britain but on the continent (see, for example, Bernstein, 1995; Corbin, 1990; Gibson, 1986; Harsin, 1985), are largely well described and understood, the specific features of regulation ought to be identified more precisely, in order that the historical geography of regulation can be discussed more carefully. These features can be enumerated quite simply: (1) *the registration of prostitutes*, the creation of a special class of public women; (2) *their regular inspection* for venereal disease, typically using the vaginal speculum; (3) *their sanitary detention*, if found diseased, in a ‘lock hospital’, or equivalent, devoted to patients suffering from venereal disease; (4) *the licensing of brothels and accommodation houses*, which domesticated sexuality in the same way that hospitals enclosed the infected; (5) *the inspection of brothels and accommodation houses*, sometimes paid for, like the inspection of individuals, by levying fees on madams’ and prostitutes’ earnings; (6) *the zoning of vice districts* by segregating special prostitudinal spaces; (7) *the policing of public space* by rooting out and fining unregistered brothels and ‘sly’ prostitutes; and (8) *the creation of a dedicated morals police*, special officers, agents, and informers devoted to enforcing regulation.

It is important to separate these elements out, as they did not all feature in all forms of the regulation of prostitution. This heterogeneity of regulationism helped on its own to legitimate some systems such as that of the Contagious Diseases Acts, whose supporters could claim it to be less extreme than continental equivalents. Nor do all these elements need to be present for a regulatory system to be regarded as in place: there may be situations where elements such as the registration of prostitutes are taken by authorities to preclude other features such as the licensing of brothels (as in Hong Kong—see below). Nor, furthermore, do features sometimes supposed to be contradictory to regulation, such as penitentiaries, refuges, and reformatories,<sup>(7)</sup> need to be absent for regulationism to be identified, for many systems were able to incorporate

<sup>(6)</sup> The complexity of state–society relationships cannot be ignored, however: a useful attempt to clarify these relationships can be found in Paul Werth (1994), who rightly notes the under-theorising of the state’s role in the regulation of prostitution.

<sup>(7)</sup> Thus, for instance, Sheldon Amos (1877, page 239) noted that reformatories kept up the notion that prostitute women were a class apart.

such institutions quite happily within a regulatory framework. What should be recognised is the variety of regulationist systems, without losing sight of the fact that they all do proceed from the same critical assumptions about class, gender, sexuality, and the role of the state that I have outlined briefly above.<sup>(8)</sup> It is better, in fact, to speak of a spectrum of regulatory practices, rather than an essential divide between approaches that attempt to regulate prostitution and those which aim to repress it entirely.<sup>(9)</sup>

### **The historical geography of regulation**

If the definitions above are accepted then the historical geography of regulation becomes more complicated than most accounts continue to suggest.<sup>(10)</sup> By using this approach, it can be recognised that regulation existed in Britain well before the introduction of the Contagious Diseases Acts in 1864, despite the generally accepted view that the Acts introduced systems of regulation of prostitution to England and Ireland. In the first place, it would be fair to say that elements of regulation existed for years in some local authorities, such as the military towns or naval bases, and the university towns of Oxford and Cambridge. In the latter towns, the registration and detention of prostitutes had taken on a formal and statutory character from the beginning of the 19th century. In Cambridge, in particular, a *de facto* regulatory system existed to protect members of the university from venereal disease and moral hazard; there, at least, the key elements of regulation—identification, medical inspection, and sanitary incarceration—were all present several generations before the Contagious Diseases Acts. Indeed, the university towns were recognised by several interested parties as some kind of a precedent, model, and legitimisation for the military rationale and civil extension of regulation.

More important, though, was the imperial context for the regulation of prostitution, and the colonial precedents for the Contagious Diseases legislation. These imperial and colonial precedents have been recognised by Helen Ware in her unpublished thesis (1969, pages 161–164) but most subsequent commentators (such as McHugh, 1980; Smith, 1971; Walkowitz, 1980a) have ignored or marginalised their importance in comparison to European models of regulation, and moreover play down their importance by subsuming British imperial interests under those of the British military.<sup>(11)</sup> The effect of this neglect is to portray regulation of prostitution as essentially a European, ‘continental’, and more specifically French, system, which only in the 1860s spread to Britain (see Smith, 1971, page 120; Wood, 1982, page 63), and only after that to the British colonies, where regulation flourished and where a repeal campaign dragged on for decades after the repeal of domestic legislation in 1886.

<sup>(8)</sup> It is true that this variety can easily lead to confusion: the distinction between ‘voluntary’ and ‘coercive’ systems, the nature of the officers used for surveillance and inspection, the acceptance or not of tolerances and licensed brothels, could all have significance for contemporaries (especially in Britain) anxious to contest the charge of regulation. But where the aim of regulation—the basis of the degree of compulsion—was to aid men (the clients), to protect them from disease, and other considerations, such as public health defined homogeneously or the health of the women themselves, were clearly secondary, this allows us to insist on the common qualities that define regulation in all its variety.

<sup>(9)</sup> This is a point made forcefully by Linda Mahood’s (1990) examination of the policing of prostitution in Glasgow.

<sup>(10)</sup> The Cambridge academic James Stuart laconically noted (1912, page 216) of the Contagious Disease Acts that “It was afterwards found that as a matter of fact the system had been really started a few years earlier.”

<sup>(11)</sup> Ware moreover suggests that colonial precedents were much less impressive to politicians than continental systems, but gives no evidence for this; the neglect of the survey of foreign continental exemplars conducted by the Foreign Office in 1869–70 (Post, 1978) suggests otherwise. Ware is also in error in supposing that these colonial systems were exclusively for British troops.

The conventional accounts (see, for example, McHugh, 1980; Smith, 1971) in fact explicitly portray the Contagious Diseases Acts as a translation into the British context of French, Belgian, German, Genevan, and Roman systems, particularly under the stimulus of the Crimean crisis of 1857 and the generally heightened awareness of the dangers of venereal disease and female prostitution in the 1850s and 1860s.<sup>(12)</sup> For British propagandists such as William Acton, the formidable influence of Alexandre Parent-Duchâtelet, the French theorist of prostitution, its problems, and regulatory solutions, and of the French experiments with regulation from the early 19th century, meant in particular that France was seen as regulation's 'home country' (see Poovey, 1995, pages 73–97; Walkowitz, 1980a, pages 36–47).

Accordingly, the many colonial versions of the Contagious Diseases Acts are taken to be largely an extension of the domestic legislation, drafted along the same lines by local authorities in imperial and frontier contexts where prostitution and venereal disease were crucial issues (Ballhatchet, 1980; Levine, 1994; Manderson, 1997; Warren, 1993).<sup>(13)</sup> But the recognition that British regulation continued in the colonies long after repeal at home in 1886, and that the repeal movement had an important if somewhat ineffective international dimension, does not do justice to the imperial context of regulation. The existence of varieties of regulation overseas before, and leading up to, the Contagious Diseases Acts is a crucial challenge to this view, its theory, and assumptions. In particular, the narrative of metropolitan formation and colonial extension cannot bear scrutiny. As Philippa Levine (1993, page 284) has recently reminded us, we cannot assume that the Contagious Diseases Acts represent a significant historical watershed; they were not, at least in the sense that the domestic legislation built on the experience of regulation in the British colonies and possessions.

I do not want to deny that the British Acts were modelled on continental exemplars; these are clearly quite crucial to the discourse supporting regulation. But the historical geography of regulation is much more complex than conventional narratives of example and emulation suggest. The French were indeed very much in the forefront of regulation, and their system is rightly regarded as its most fully developed and most extreme form (Corbin, 1990; Harsin, 1985); but it is hardly recognised that the French model was itself wrapped up in an imperial world system. The experience of regulation in French Tahiti constituted an important part of the 'French' model drawn on by the British, for instance, in the discussions which led up to the introduction of the Contagious Diseases Acts; and here we see something of the recursive historical geography involved in the complex patterns of innovation and imitation which produced a regulationist system in Britain.<sup>(14)</sup> To be more precise, however, the minutes, proceedings, and reports that constitute the bureaucratic response to the problem of prostitution can be examined to demonstrate the central significance of the colonial experience to the passing of the British Contagious Diseases Acts.<sup>(15)</sup> The Skey committee of 1864–65, formed after

<sup>(12)</sup> Francis Smith (1971) supposes also a direct adoption from the Contagious Diseases (Animals) Act, but this is mistaken: the first animals act was not introduced until 1867, following the cattle plague of 1865.

<sup>(13)</sup> For example, "Prostitution became a racially definable category when moved to a colonizing context" (Levine, 1994, page 590).

<sup>(14)</sup> The French system, so different from the British, of recognising the unity of colonial dependences and metropole, might be postulated as contributing to the playing down of the role of French colonial experiments in regulation.

<sup>(15)</sup> Hyam notes that the Contagious Diseases Acts were in force in Jamaica, Trinidad, Hong Kong, Fiji, Gibraltar, Malta, India, Burma, Ceylon, the Australian colonies, Malaya, and the Cape (reenacted there in 1885), and in Cairo twenty-four hours after the battle of Tel-el-Kebir. The campaign of Josphine Butler against the empire Contagious Diseases Acts was launched in May 1887 at Exeter Hall.

the passing of the 1864 Act to consider the effectiveness of the initial experiment and the arguments for renewing the legislation, took particular note of evidence from supporters of regulation about the operation of legislation in Malta, Tahiti, and elsewhere (see PP 1867–8, pages 38–41). The committee, whose witnesses were almost exclusively in favour of extension, being composed of medical and military men with strong interests in the regulationist experiments, drew heavily on the experience of legislation overseas, predating the first domestic legislation, in coming out in favour of the continuation of the Acts at home.

Malta was a particularly significant case as it was said to be exceptionally well regulated under the governorship of Sir Henry Storks, with venereal disease supposed to be virtually eradicated by the mid-1860s. Storks had attempted to address the problem of prostitution when he was Lord High Commissioner for the Ionian Islands, and claimed total success in eliminating the disease from Zante, Cephalonia, and Corfu. In the latter it is clear that women were inspected at least twice a month for disease, by use of the speculum, and that prostitutes paid a small fee to the police surgeon for their examination. In Malta, Storks had the advantage that police regulations allowing for the inspection of prostitutes were in place, it was believed, from as far back as the time of the Knights, and though these were found to be irregular when challenged in 1859, a new Ordinance was passed in 1861 to confirm these powers of inspection: prostitutes were liable to examination three times in each month by a police physician, and if diseased could be confined until cured. The only disappointments Storks seems to have faced were the resistance stirred up among prostitutes by reformers in 1859, and the fact that he had no power to inspect the wives of soldiers as well as the common prostitutes of the island.<sup>(16)</sup>

The Skey committee took the view that the example of Malta conclusively proved the success of regulation, as did others among the medical supporters of the Contagious Diseases Acts, such as the pioneer woman doctor, Elizabeth Garrett (1870, page 12) and the ideologue of regulation C W Shirley Deakin (1872). The success of the Malta experiments went unquestioned, and it clearly formed an influential argument for those in favour of extension. In 1868, John Brendon Curgenvén, the secretary of the movement for extension of the Contagious Diseases Acts to the civilian population of the British Isles, argued that the efficacy of sanitary regulation and medical surveillance of prostitutes in both curbing disease and eliminating prostitution was amply demonstrated by the success of measures tried out in Malta, Gibraltar, and the Ionian islands. Moreover, Curgenvén added a note of urgency in his call for extension of the Acts by dramatising conditions overseas, particularly in Ceylon, where he argued that the syphilis introduced by Portuguese sailors left in many districts not a single man, woman, or child free of the disease. In Ceylon, Curgenvén claimed, as well as in Jamaica and in many parts of India and China, natives and imperial authorities were clamouring for the introduction of contagious diseases legislation. The moral was clear:

“while the Government and the local authorities are instituting measures of prevention in our possessions in all parts of the world, does it become us to look quietly on the ravages of this disease amongst ourselves, and take no steps to check its fatal progress?” (Curgenvén, 1868, page 12).

Admiral Sir William Fanshawe Martin, the most prestigious witness before the Skey committee, similarly used the Malta experiments to strongly urge to his examiners the extension of the Contagious Diseases Acts to the whole country:

<sup>(16)</sup> Note that Storks was barracked at Newark and Colchester in 1870 while standing as a Liberal candidate (Hammond and Hammond, 1932; Walkowitz, 1980b, pages 106–108). Butler (1896, pages 42–43, 53) insists nevertheless on the continental origins of the system, spreading like a “contagion” (page 102) from France.

“There should be no trifling in this matter—the disease is ruining multitudes of innocent as well as of guilty, it embarrasses the service, squanders the public money, and saps the stamina of the population ... .

Your experience of the results of the surveillance at Malta, and elsewhere, leads you to be decidedly in its favour?—Most decidedly, and I think we shall neglect an important national duty if we do not enforce it in England” (PP 1867–8, page 1072).

Most military witnesses had served abroad, of course, and to a man (and they were all men) they were in favour of the extension of the Acts to British civil society. It is not therefore simply the military and/or medical background of the supporters of the Acts that is important; it is the fact that they were quite familiar with the overseas legislation against prostitution, and argued for domestic legislation from the grounds of their imperial experience [see WO 33/12/188, 33/17A/274, and 33/27 for further military and/or medical discussions of regulation]. William Henry Sloggett, only a naval surgeon at the time of the Skey Committee, but later an Inspector of Hospitals under the Contagious Diseases Acts and one of the strongest ideologues of regulation, was asked for instance by the parliamentary committee whether the legislation amounted to the legalisation of prostitution, to which question he gave a disarmingly straight answer:

“—Yes. I think it is better to legalise what we know has always existed than let it go on, and pretend to shut our eyes to it. The advantage would be the registration and inspection of prostitutes, and keeping them under certain police control would tend to that end. I think it would be advantageous if the police regulations, which have been found so beneficial ... were extended to our own towns” [PP 1867–8, page 645].

The experiences of Malta and the Ionian Islands, whose legislation on and policing of prostitution activity existed decades before the introduction of the Contagious Diseases Acts, and truly deserve the name of regulation, suggest in themselves the inadequacy of seeing British regulation as a metropolitan translation to the colonial periphery. But to secure this point, and furthermore to demonstrate the importance of *race* for the regulation of prostitution, one case study is worth examining in greater detail. Hong Kong, indisputably, demonstrates the racial context of early British attempts to regulate prostitution, and directs attention to the racialised nature of Victorian legislation on sexuality.<sup>(17)</sup>

### **Race and regulation in Hong Kong**

Hong Kong under the first decades of British rule is best considered a frontier town, continuously cash-strapped, crisis-driven, with only a superficial control over the Chinese community, and with a series of intractable problems of government of which prostitution and brothelkeeping were not among the least important (Miners, 1987).<sup>(18)</sup> The first attempt to control the spread of venereal disease amongst the British forces was introduced in 1857 by Sir John Bowring, the erratic but influential governor of the

<sup>(17)</sup> Similar work can be, and is being, carried out in British India, where systems for the regulation of prostitution existed well before the introduction of colonial Contagious Diseases legislation. India is too large a topic to be covered in a general review and argument, such as this paper, and I leave this task to my colleague, Dr M Satish Kumar. The status of other colonial possessions no doubt deserves further analysis as well; the purpose of this article is simply to begin this process by revising the chronology and geography of prostitution legislation, towards a recognition of the complex relations that existed between the metropolitan core and the colonial periphery.

<sup>(18)</sup> Information here is derived from Hammond and Hammond (1932), Kwan (1991), Miners (1987), Pope-Hennessy (1964), Tsai (1993), Welsh (1997, pages 261–266). Welsh’s uncritical acceptance of the success of these measures in eradicating disease is particularly misleading, as is his unjustified portrayal of ideologues such as Sloggett as pragmatic.

colony, at the behest of naval officers on the China Station. An avowed Benthamite, Bowring's assertively utilitarian solution to the problem of prostitution in the colony was to introduce a system of brothel licensing for those houses frequented by servicemen, and provide regular inspection and treatment of their inmates. This measure, like a series of other reforms, was greeted enthusiastically, and reported as highly successful. In Britain, Colonial Secretary Henry Labouchere fought down his lingering unease at the Hong Kong legislation by emphasising the gravity of the problem and looking forward to the beneficial effect it would have on those he regarded as the first victims of prostitution, namely those among the prostitute women who had been sold into brothel slavery [see the correspondence between Labouchere and Bowring, 27 August 1856, in the Public Record Office (CO 403/8, number 103)]. He envisaged that under the new system of registration this practice might swiftly be brought to an end.

This system brought the licensing of brothels under the control of the colony's Registrar General, and provided for the registration, inspection, and detention of Hong Kong's prostitutes. It was, like Malta, to be regarded as a model of regulatory practice, as a Royal Navy surgeon later noted in his evidence to the Spey Committee:

"We had a good example of prevention at Hong Kong; it is one of those places in which there are excellent sanitary regulations. All the prostitutes are registered; the brothel keepers have licenses, and are under government superintendence; the colonial surgeon examines the women periodically, and if a woman is found to be diseased she is immediately signed to the Lock Hospital, and kept there till she is cured" (PP 1867–8, page 573).

The only difficulty, this witness went on to add, in comments which are entirely characteristic, arose from the fact that the possibilities for surveillance and discipline were geographically and culturally limited:

"Hong Kong is a peculiar place. Opposite Hong Kong is the main land of China, quite out of our control, and those people passed backwards and forwards without let or hindrance. If the whole country, as Malta, were under English Government, I think that a registration and passport system, conjoined with the other regulations, would be effectual" (PP 1867–8, page 573).

Given the fact that the whole country could not be brought under British control, these limitations continued to be inscribed into colonial legislation on prostitution. Indeed, they were precisely formalised in the more stringent ordinance—in his own words the "necessarily almost *despotic* powers" introduced by Governor Sir Richard MacDonnell in 1867 (Stansfeld, 1882, page 54, emphasis in original). This ordinance, which has wrongly been considered a simple variant of the British Acts, continued to license brothels but allowed sanitary inspection only of those used by foreign clients. Brothels were confined to designated localities catering separately to European and Chinese clients, in the eastern and western ends of the city, respectively. This segregation was justified with reference to the conviction that Chinese women found the practice of inspection by European doctors using the speculum, and medical incarceration in European hospitals, so repellent that extension of these elements of regulation to the Chinese community as a whole was considered to be unenforceable. To prevent disease, therefore, European clients had to be directed exclusively to those brothels where inspection could take place. There, European and American prostitutes, as well as women regarded as the 'lowest-class' of Chinese prostitutes, could be safely provided for British soldiers and sailors.<sup>(19)</sup>

One significance of these ordinances is that they were in comparison much more extreme forms of regulation than the domestic variety later introduced by the

<sup>(19)</sup> The opposition of the Chinese community as a whole must also be recognised as contributing to this system (PP 1880; Tsai, 1993).

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Contagious Diseases Acts. The legislation was so sweeping in fact that one concerned acting Registrar-General worried that it contained the statutory sanctions to “lock up the whole Chinese female population” (PP 1880, page 105). The ordinances licensed and inspected brothels, allowed the breaking and entering of suspected houses, employed paid informers and agents of a morals police—the inspectorate of brothels—to track down ‘sly’ brothels and unregistered prostitutes, fined and imprisoned women convicted of passing disease on to healthy men, and paid for the administrative expenses by levying fees on the brothelkeepers and prostitutes themselves: all elements which would have been unthinkable in Britain and which were later publicly denounced by supporters of the Contagious Diseases Acts even when they had had a hand in their colonial institution and operation.

Above all, Hong Kong demonstrates the key importance of race to prostitution legislation, notably in the formalisation and legitimation of a racially segregated prostitution business, including the apartheid of segregated red-light areas. The discourse of ‘cultural’ difference that legitimated this system clearly demonstrates that race was inscribed into the concepts of sexuality and morality themselves. British apologists pointed not just to the proximity of Hong Kong to the mainland and its ready influx of unregistered prostitutes, but also to the Chinese cultural acceptance of the profession of prostitution: “a homogeneously conceived normalization of prostitution” (Levine, 1994, page 587) within Chinese society and culture was invoked in this manner to justify the British system in Hong Kong and the general policy of regulation of prostitution itself.

This system of regulation was destined to be challenged in 1877 by the newly installed governor, Sir John Pope-Hennessy, following a serious incident involving the deaths of two Chinese women, A-Sau and Tai-Yau, who had fallen to their deaths after being pursued across rooftops by officers on the lookout for unregistered prostitutes. The “Irish, Catholic, reform-minded, ‘pro-native’” Pope-Hennessy (Lowe and McLaughlin, 1992, page 224) had already stirred up trouble enough in the colony over his liberal race-relations policies, and the deaths of the Chinese women acted as a further spur to his outrage at the colony’s treatment of the subject races. Pope-Hennessy threw himself into the history and operation of prostitution policy in the colony since its foundation, and whatever enthusiasm he had had in England for the Contagious Diseases Acts quickly evaporated on discovering that the promised eradication of venereal disease had yet to occur. Nor had anything seriously been done to combat brothel slavery as Labouchere had recommended and promised in 1856. In fact, powers to protect brothel inmates were treated by colonial officials such as Lord Kimberley as quite separate from powers to treat disease. And there were several other features of the system that compounded Pope-Hennessy’s disgust: the Chinese victim Tai-Yau was said to have sold her son into slavery in order to pay a \$100 fine that she had previously been handed by the inspector of brothels, a practice seemingly condoned by the authorities. It also emerged that agents and informers were paid from funds earmarked by the government for the secret service, and although Chinese-only brothels were not inspected, they had in the past been charged anyway, leading inescapably to the conclusion that the colony made money out of the business of prostitution (perhaps over a hundred thousand dollars, it was later calculated by opponents of the system).

These facts came to light from the commission that Pope-Hennessy appointed in 1877 to inquire into the scandal. The governor seems to have given the commission both its direction and conclusions. One of the three commissioners was his protégé, the eminent Chinese scholar Ernest J Eitel. Another commissioner, often absent from the proceedings, later dissented from the recommendations of the committee after returning to England and conversing with medical men in the services. Nevertheless, the remaining

commissioners, in coming to the conclusion that the ordinances were despotic, ineffective, and more or less illegal, did highlight serious irregularities and inconsistencies which not even the ideologues of contagious diseases legislation could bring themselves to defend wholeheartedly.

The Colonial Secretary, Lord Carnarvon, along with other officials, was quite unmoved, however, by Pope-Hennessy's conclusion that the regulation of prostitution in Hong Kong should be abandoned. Carnarvon was more impressed by the surgeon William Sloggett's private briefing to the Colonial Office, which argued for the retention of regulatory legislation.<sup>(20)</sup> Sloggett, by now Inspector of Hospitals under the domestic Contagious Diseases Acts, argued that the principles of the Hong Kong Ordinances were indeed objectionable, and "entirely at variance" with the British acts, but he insisted that the commissioners had sidestepped the necessity for regulatory measures. Sloggett took it as read that the very low state of morality in the colony justified special measures, insisted that three quarters of the adult Chinese women there were prostitutes in act if not in name (PP 1881, page 700), and argued that in denouncing regulation the Hong Kong commission had simply pandered to the interests of the unregistered Chinese prostitutes and brothel owners: "One cannot but remark the extreme tenderness shown by the Commissioners to the feelings and prejudices of the Chinese brothel-keepers and prostitutes" (PP 1881, page 703). In blatant contradiction to his evidence before the Spey Committee a decade earlier, Sloggett now argued that brothels in Hong Kong should continue to be inspected but not licensed, a fine distinction which betrayed the defensiveness of his apology for the system in Hong Kong:

"Prostitution and its attendant results in the spread of venereal disease is the fact so recognised and regulated, and all common prostitutes no matter where, or with whom they may be resident, are equally subject to the provisions of the Ordinance. Prostitution is not legalised by such recognition, any more than brothels became legalised in England by enactments under which the keepers of such houses are liable to punishment" (PP 1881, page 704).

The system continued in force, despite the commission, for many more years to come, and the movement for repeal of the Contagious Disease Acts regularly turned its attention to the colony. In particular, the prominent repealer James Stansfeld made hay with Colonial Secretary Lord Kimberley's defence of what Stansfeld called the "government brothel system at Hong Kong"; he noted that "the Government has reserved to itself the right to levy a duty on the bodies of women in Hong Kong, precisely as it has reserved to itself the right to levy duties upon brandy, tobacco and other profitable articles of consumption" (Stansfeld, 1882, page 4). On the operation of the system, he added that "the arrest of the women enabled the officials to store those whose bodies were to be offered for sale, in the Government warehouses—the lawful, licensed brothels—and thereby to secure that the articles offered by them to the public should be periodically inspected and medicated by the surgeons hired by the Government for that purpose; it being held to be obvious that every male person whose custom it was to commit prostitution, would prefer that the bodies of the females purchased by him should be cleansed, licensed and warranted by the state, rather than by a private dealer" (Stansfeld, 1882, page 4).

Now Hong Kong's significance lies in more than the fact that its experience of regulation predated the Contagious Diseases legislation, important though this is, or

<sup>(20)</sup> Sloggett was also a major contributor to the earlier War Office briefing of 1875 directed at countering the objections raised by the opponents of the Contagious Diseases Acts at home, which relied heavily on proving the moral, constitutional, and medical effectiveness of regulation in the colonies (see WO 33/27).

that it continued to play a vital role in the evolution of that policy and in the repeal movement's opposition to it. What the Hong Kong ordinances demonstrate quite clearly is the essentially racialised nature of prostitution policy, its dependence on racial assumptions and racist practice. The racial segregation of prostitutional space reflected the widely held assumption that people would and should find sexual partners of their own racial as well as class background (Manderson, 1997, page 377), but allowed that some native women could be conscripted as commercial sex-workers under specific conditions. Prostitution policy was justified by reference to cultural and national otherness, specifically the class, gender, and sexual 'prejudices' of the Chinese community, which both excused and necessitated the imposition of colonial authority and violence. And the threat posed by 'sly' Chinese brothels, poised to swamp the colony with unregistered and diseased prostitutes from the mainland, is a constant, and constantly articulated, racial and sexual fear.

In a racialised context such as the Crown colony, in fact, the ambiguities and contradictions of sanitary legislation on prostitution are cruelly exposed. In particular, the tension between the twin Enlightenment legacies of liberalism and discipline, the impossibility of being both citizens *and* subjects, is brought most forcefully home when exposed as explicitly racial legislation, bureaucracy, and police system.<sup>(21)</sup> In colonial spaces, even liberals otherwise ideologically committed to protecting the liberty of the subject found their convictions deserting them when confronted by the need to respond 'pragmatically' to colonial conditions.<sup>(22)</sup> In such situations, the claims of discipline could easily override those of liberalism. The Governor of Hong Kong in 1867, in this case in fact the authoritarian Sir Richard MacDonnell, objected to his Attorney-General's insistence on hearing prostitution cases in open court, in a manner which makes the limits of liberalism quite explicit. MacDonnell's response was to deny the applicability of liberal institutions in the racialised context of Hong Kong:

"... I fail to see much of the applicability of the Attorney-General's argument to the question ... . At all events the experiment of dealing with brothels and their inmates through the magistrates in an open Court has been tried and *failed*. Why should we try it again? Experience has shown that the evidence which is necessary for arriving at conclusions in points connected with the 'Social Evil' here, *cannot be produced in open Court*. The whole machinery was at a standstill. I have had indubitable evidence of malpractices, but could not obtain convictions, because I could not get the evidence into open Court, and yet the Attorney-General wishes to *sacrifice the object of the projected legislation*, to some DREAM OF THE NECESSITY FOR MAINTAINING A MAGNA CHARTA PALLADIUM OF LIBERTY for people who do not understand it" (Stansfeld, 1882, page 8, emphasis in original).

Racial and cultural differences thus disturbed the supposed balance between liberalism and discipline that legitimated regulation at home. Characteristically, even

(21) This double model of liberty and discipline was adopted by regulatory thinking, which posed as striking a balance between them. The liberal component lay not in criminalising prostitution per se but in protecting society, through social discipline, from the harms that common women were thought to threaten. The claim to enlightenment came from dropping the blinders of moralism, recognising prostitution as a necessary and ancient social evil, and freeing prostitutes from criminal exploitation, but it protected society through the characteristic strategies of enclosure, discipline, surveillance, and collection of information (Gibson, 1986).

(22) At only a slightly later date, British liberalism would find its formal accord with imperialism and its needs: see Semmel (1960) on liberal-imperialism and its integration of imperial and social reform, under the sign of social Darwinism, 'scientific' imperialism, and 'national efficiency'. To underscore the pragmatism of liberal-imperialism, see Matthew (1973, page 152): "To solve imperial problems, Liberal Imperialists hoped to use a 'business' approach; they claimed to be practical men, seeking out 'efficiency' and introducing it where it was absent."

the sympathetic 1877 Commission in Hong Kong was at pains to point out the differences between Chinese and foreigners: the system of prostitution in Hong Kong was seen by the commissioners as “essentially Chinese and radically un-English” (PP 1880, page 85), brought into the new colony by Chinese brothelkeepers in 1842, rather than by the British, and the cultural relativism at the heart of regulatory thinking is clearly expressed:

“The principal points of difference between the various classes of Chinese prostitutes of Hong Kong and the prostitutes of Europe amount therefore to this, that Chinese prostitution is essentially a bargain for money and based on a national system of female slavery: whilst European prostitution is more or less a matter of passion, based on the national respect for the liberty of the subject; and further that these Chinese prostitutes of Hong Kong are, as a whole, an extremely quiet, orderly, and well-behaved sort of people, not given to intemperance or excess; in one word, that they are not ‘abandoned women’ as the prostitutes of Europe only too frequently are” (PP 1880, page 87).

This is a curious echo of the 1871 Royal Commission on the Contagious Diseases Acts, and its famous words in defense of a sexual double standard that treated the male client leniently whilst punishing the female prostitute. The Royal Commission noted that “[w]ith the one sex the offence is committed as a matter of gain; with the other it is an irregular indulgence of a natural impulse” (PP 1871, page 17). Only here ‘Chinese’ is substituted for women and ‘European’ for men; evidence enough perhaps of the codetermination of sexual and racial discourses, and the easy slippage from racial to gender exclusion. In these colonial contexts, confronted with subject populations whose ‘national’ and ‘ethnic’ peculiarities precluded the ascription of liberal virtues, the limits of liberty were readily, if problematically, demarcated. Chinese prostitutes, as both supporters and critics of regulation insisted, were habituated to sexual slavery, owned and trained to the life. Such women did not deserve the tenderheartedness of their benefactors, and whatever philanthropy they received was not based in any event on the ascription of liberal virtues and the extension of rights. Hong Kong cannot simply be seen as a kind of experimental laboratory for domestic sexual legislation, therefore, for the contradictions of its regulation of prostitution exhibited what have been called the “tensions of empire” (Cooper and Stoler, 1997), and expose by their very operation the boundaries of cherished ideologies about individual liberty and cultural progress.

### **The articulation of race and sexuality**

I have demonstrated the importance of the varieties of regulation that existed in the British imperium well before the introduction of the Contagious Diseases Acts. In Hong Kong, moreover, the regulation of prostitution can be seen to evidence the importance of race for the whole question of sexuality and its containment. We can go further, therefore, than simply noting that women’s sexuality was a focus of state control under colonialism, and that registered prostitutes in places such as Hong Kong were enrolled through this legislation as particular kinds of colonial subjects. It is easy enough to gesture at the inseparability between race, class, gender, and sexuality, to argue that they are “articulated categories” coming into existence in and through their relation to each other (McClintock, 1995, page 5). We could refer to the fact that the use of the speculum, ubiquitous in the medical inspection of prostitutes, was pioneered on the bodies of black female slaves (Barker-Benfield, 1976, pages 91–119). Or we could note that the repealer Josephine Butler learned her principles and strategy from the anti-slavery movement and that her repeal convictions betrayed certain racial and cultural assumptions (Grewal, 1996; Ware, 1992, page 160). Or again we could note that the entire discussion of the ‘white slave trade’ was shot through with racial and imperial significance (Bristow, 1982). Such references remain suggestive, however, rather

than conclusive. We need to make the connection between race and sexuality, and between colony and metropolis much more explicitly, and to argue that “the colonial mentality that sees ‘natives’ as needing control easily shifts that concern to the woman, in particular the prostitute caste” (Gilman, 1985, page 107). This is where, ultimately, a revised historical geography of the regulation of prostitution may prove decisive.

What prostitution legislation in Britain and its colonies demonstrates above all is the interplay between the imperial metropolitan culture and its colonial possessions. This is not a matter of the metropole determining colonial societies, nor of the colonies influencing the metropole: neither a ‘metropolitan’ nor a ‘peripheral’ explanation is wholly adequate, to borrow the terms which have long dominated the study of European imperialism.<sup>(23)</sup> A ‘peripheralist’ perspective is certainly more appealing than a ‘metropolitan’ emphasis on the exclusively innovative role of the imperial core, but no unidirectional perspective on the regulation of prostitution can ever hope to capture the *recursiveness* that characterised the British imperial experience, a dynamic that was inescapably implicated in the operation of systems of race, gender, sexuality, and class that are all too often taken to be insulated from the imperial world system. Although I have provided enough material to challenge the notion of prostitution legislation being developed in Britain and then exported to the colonies, it will not do to simply perceive such legislation being developed in the colonies and then imported to Britain. In the final section of this paper, I want to suggest how the revised historical geography of prostitution legislation that I have outlined empirically contributes to a better understanding of the relationship between metropole and periphery, and the interplay of race and sexuality in that imperial relationship.

Michel Foucault’s genealogy of modernity, as Ann Laura Stoler (1996) has recently demonstrated, may be our best guide to the true significance of prostitution legislation. Abdul JanMohamed’s (1992) earlier suggestion, thinking with and against Foucault, of a concept of a “racialized sexuality”—a concept which incorporates some of the ‘older’ forms of blood and alliance, and the more traditional juridico-discursive prohibitions that Foucault thinks are overlaid if not replaced by a ‘productive’ bourgeois sexuality—is provocative and useful, but this is only a partially instructive elaboration. For instead of the synchronism of power and discourse suggested by JanMohamed, where bourgeois and racialised sexuality exist as separate centres (the metropole and colonies, respectively) with a negative and specular relationship between them, we do better to trace with Stoler a complex dynamic of power in which bourgeois and racialised sexuality are *continually* imbricated over the long historical geography of European colonialism. Stoler has brilliantly demonstrated that Foucault’s work challenges any metropole/colony dualism which separates race and racial discourse temporally or geographically from the constitution of bourgeois modernity. Foucault can in fact be taken to excavate the complex recursive constitution of both a racialised sexuality and a sexualised notion of race, so that race and colonial development involved the *creation* of metropolitan bourgeois identities through the articulated discourses of race, gender, and class. “We are concerned”, as Cooper and Stoler (1997, page 4) rightly put it, “not only with the ways...in which colonial regimes regulated sexuality and biological reproduction but also with how categories of race, class, and gender helped to define moral superiority and maintain cultural differences” both at home and abroad.

Although Foucault’s genealogy of modernity has sometimes been considered to neglect the histories and geographies of imperialism and colonialism, it can be suggested from this understanding of Foucault’s work that the colonies played a critical role

<sup>(23)</sup> The ‘metropolitan’/‘peripheral’ debate over the explanation of European imperialism has generated too large a literature to cite properly here, but for a brief overview see Porter (1994).

in the functioning of power and discourse. Imperialism, to follow this thinking, opened up a real and discursive space in which the discourse of sexuality could be deployed, in conjunction with the older systems of alliance and juridico-discursive prohibitions that Foucault (1980) has described. This space allowed and legitimated British imperial acts in the service of biopower and a biopolitical state (see Foucault, 1980) which necessarily extended beyond domestic boundaries. As Stoler (1996, page 46) remarks, the sexual ‘disorders’ of colonial society, such as venereal disease and prostitution, were sometimes subversions of the prevailing order of society, but as often expressions of it:

“These were target problems, productive of a discourse that justified more invasive institutional control both of natives and certain classes of Europeans. ... these deployments of alliance and sexuality were both part of the colonial order of things; at one moment competing, at other moments convergent venues through which distinctly gendered forms of racial and class power were ordered and displayed.”

The problem of prostitution, defined by the deployment of sexual discourse, could in this reading justify ever-increasing state control over subject races and peoples.

On the one hand, certainly, the colonies allowed coercive experiments in state control which conflicted (at home) with older forms of juridico-discursive power, the domain of the law, and universal rights which emphasised the liberty of the subject: this is why the extreme forms of regulation found in British colonies were not replicated in domestic civil society. The Dean of Carlisle pointed out in 1870 that colonial systems of regulation of prostitution were instituted “under circumstances of arbitrary power which would not for a moment be tolerated in this country” (Ware, 1969, page 162). The War Office likewise readily conceded of its colonial measures that “it is doubtful whether any similar law could be worked in England, even should it be passed by the legislature” (WO 33/12/188, page 3). The repealer James Stansfeld put it, as ever, more forcefully and succinctly still:

“The existing Ordinances, with or without such modifications as Lord Kimberley suggests, exceed in their potent immorality and unconstitutionality the English Acts; but they furnish evidence to show how far our rulers are prepared to go—when they dare—and the results which all such systems inevitably develop. The shameless violation of the most sacred personal rights of the weak, in the vain attempts to secure the *pleasures* of salubrious debauchery for the strong, is the logical outcome of every system of State regulated, organised and patented vice” (Stansfeld, 1882, page 40, emphasis in original).

The colonies could thus function in one register as experimental spaces, and prostitution legislation as an exercise in peripheral pragmatism. But it is necessary to move away from the primarily functionalist view of those who see in this legislation, as in other imperial measures, only a pragmatic response to the problems of the colonial project, those such as Lenore Manderson (1997, page 380) who asserts that women’s enrollment in such systems of regulation was “a pragmatic approach to maintaining the health of the bodies of workers”. This stance, which reproduces the labour-history approach of Luise White (1990) and others on the question of sex-work, overstates the efficiency of the legislation in combatting venereal disease, and ignores the complexity of power relations involved in prostitutional policy. Rather than reducing prostitution to questions of class interests and colonial contexts, we need to examine the recursive constitution of class, race, gender, and sexuality. For the colonies were both experiment *and* exemplar; they could, for instance, function, as shown above, as limit cases, justifying through their specific racial, cultural, military, and economic context certain forms of legislation that were thought inappropriate in the metropole itself. Like the comparison with France and the continental systems of regulation, this allowed British legislators, rhetorically, to claim moderation whilst also bringing

urgently home the threat of foreign contamination.<sup>(24)</sup> And thus, although strategies were indeed different in the colonies, it was racism and racist discourse which provided the rationale for changes in both metropole and periphery: the racialisation of sexuality was not a phenomenon locatable in the periphery alone. As Manderson (1997, page 373) herself argues, it was racial discourse which “structured the institutionalization and containment of sexual nature by standing both as an apology for various sexual practices and as a legitimization of the state’s response”: the regulation of prostitution in both Britain and its colonies was legitimated by a racial discourse which arose in neither metropole nor periphery but out of the complex relationship between them. The regulation of prostitution fell between the imperial state and its domestic and foreign civil societies, and between the defence of liberal virtues ascribed to the home country and the requirements of racial discipline in the colonies.

An ultimately racist discourse thus governed both colonial and domestic practice; both were caught up in the colonial epistemology and complex spatialities that governed the imperial enterprise. For this reason, a discourse of racialised sexuality can be understood to prevail at home as well as in the colonies. Anne McClintock (1995, page 72) has argued in this sense that the “impossible edges of modernity” stretch to both the colonial bazaar and the metropolitan brothel: and they include prostitutes’ camps such as the “colonies” on the perimeters of the Curragh army base in Ireland (Luddy, 1990, page 60) and the notorious prostitution zone of ‘China’ in Merthyr (Jones, 1982). These spaces bear witness to a domestic form of imperial ‘abjection’; prostitutes in the metropolis were truly “‘white negroes’ occupying anachronistic space” (McClintock, 1995, page 56), associated with the atavism of the subject territories and races. And so as Stoler (1996, page 96) suggests, “the regulatory mechanisms of the colonial state were directed not only at the colonized, but as forcefully at ‘internal enemies’ within the heterogeneous population that comprised the category of Europeans themselves”. In speaking through the social categories of class, gender, and race, prostitution legislation produced imperial-subject women at home and abroad as a special, distinctive class. Registration in England, for instance, bought into the fiction that prostitutes could be clearly and unambiguously identified, just as in the racial and sexual discourse that normalised prostitution for colonised races prostitute women were seen as born to the life, always already separate, recruitable, beyond consideration. Their supposed separateness allowed the construction and marginalisation of prostitutes as, to use Judith Walkowitz’s (1980a) resonant words, an ‘outcast’ group.

Prostitution was at the same time a necessary support as well as a challenge to the family and the cult of domesticity. As Inderpal Grewal (1996, page 18) has argued ‘home’ and ‘harem’ were counterposed in Victorian discourse as ‘nodal’ points around which groups in both colonised and colonial societies could formulate relations and subject positions. In the colonies prostitution policy could emerge from racial anxieties to construct a racial discourse of Asian ‘unfreedom’, for instance, in which the ‘contemptible’ acceptance by Asian women of their subjection justified both state regulation and paternalist intervention on their behalf. But this colonial epistemology was enacted in the spaces of colonial encounter that Mary Louise Pratt (1992) has called ‘contact zones’ reaching both across oceans and into the neighbourhoods and rookeries of the

(24) Ware is thus off the mark in making the argument that “The influence of colonial precedents upon the legislation drafted by the War Office and Admiralty official[s] for the regulation of prostitution in Britain is plainly visible. The law was only intended for the protection of the troops; it was administered by a foreign body of police drafted into the areas; it was based upon the assumption that prostitutes constituted a separate and immediately recognisable caste; and it made no attempt to conciliate the local population. In many ways it would have been better suited to some distant dependency rather than the towns of southern England” (Ware, 1969, page 164).

metropole itself. The language of ‘class’ in Europe, upon which discussions of sexuality and domestic prostitution depended, could then draw upon “a range of images and metaphors that were racialized to the core” (Cooper and Stoler, 1997, page 9). The bourgeois self, critically constituted by its sexuality, was not and could not be imposed on colonial others; instead, the very constitution of that bourgeois self depended on the conflicts and comparison with this *external* racial other, as well as the *internal* sexual and class other. As Stoler (1996, page 206) again has it, “the sorts of knowledge produced about the bourgeois self in a European imperial world must be seen in a grid of intelligibility that includes both”. The 19th-century discourse of race and sexuality worked by “always pitting that middle-class respectable sexuality as a defense against an internal and external other that was at once essentially different but uncomfortably the same” (Stoler, 1996, page 193).

Through both a colonial epistemology delineated by racist discourse and its practical deployment in the spaces of colonial encounter, it can thus be argued that prostitution legislation (colonial and domestic) played a key role in the construction and extension of the bourgeois self. Foucault (1980, page 126) long ago noted that conflicts such as those over venereal disease and prostitution were necessary for the proletariat to be given a body and a sexuality: in his words “there had to be established a whole technology of control which made it possible to keep that body and sexuality, finally conceded to them, under surveillance (schooling, the politics of housing, public hygiene, institutions of relief and insurance, the general medicalization of the population, in short, an entire administrative and technical machinery made it possible to safely import the deployment of sexuality into the exploited class ..)” I would argue that the colonies, in generating conflicts and engendering contradictions over sexuality and prostitution, did precisely this.

### Conclusions

I have shown that the British experience of regulation of prostitution came earlier than is usually recognised, and lasted longer. It was more geographically widespread and instead of being passed on to the British colonies from the domestic system was interwoven with the colonies’ experiences, so that there is no single line of causation. In this paper I have thus tried to demonstrate that the Contagious Diseases Acts were truly imperial legislation, rather than a temporary domestic measure derived from continental models, and particularly from France. They were imposed by the imperial state in the colonies much earlier than in domestic society, and continued in the colonies long after repeal at home. But the models for the legislation that was implemented in the Contagious Diseases Acts were properly colonial and imperial ones not just because they were developed in the colonies but because the practical and discursive context for this legislative moment was imperial and racial. The distinction between empire and domestic hearth was not unimportant, but it was significant insofar as the boundary itself (and the distinctions of race which governed that boundary) was used to shield, legitimate, and excuse severity of the measures and their violation of cherished concepts of civil liberty. The colonies were, in this sense, testing ground for disciplinary legislation. More than this, though, the interplay between metropole and colonies was constitutive of the racialised discourse and practice of the regulation of prostitution. Attention to the historical geography of regulation demonstrates at the very least that there was no such thing as a ‘home base’ of British sexuality: and the full implications of this recognition remain to be explored.

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