

decriminalised futures

LADY OF THE NIGHT SCHOOL

Thursday 7th October 2021

A History of Sex Work Criminalisation was the first session in the first series of our popular education course *Lady of the Night School*. This lecture by Dr Julia Laite examined the criminalisation of women's sexual labour in London from the mid-19th century to the 1960s

Transcript: A History of Sex Work Criminalisation in the UK

Alexandra Wanjiku Kelbert 0:00

In the meantime, I'm just going to give you a short introduction to Julia. So, Julia is a reader in modern history, and director of the Raphael Samuel History Centre at Birkbeck University of London. She researches and teaches on the history of women, crime, sexuality and migration in the 19th and 20th century British world. She is the author of *Common Prostitutes and Ordinary Citizens: Commercial Sex in London*. And with Samantha Caslin, *Wolfenden's Women*, a critical source book, and her latest book, *The Disappearance of Lydia Harvey: The True Story of Sex Crime and the Meaning of Justice* was just published a few months ago with Profile Books. So, I'll hand it over to Julia to get started.

Dr Julia Laite 0:53

Thank you so much, Alex. And thank you everyone for coming. It's a real, real pleasure to be able to speak to you about this, which is a research subject that I've been following for going on 20 years now. And as Alex said, I'm a researcher in the history of crime, and sexuality, and migration. But my main specialism is actually the history of sexual labour, and increasingly trafficking (with big air quotes). But most of what I'm going to be saying here tonight is drawn from my first book, the one called *Common Prostitutes and Ordinary Citizens*. And before I get started, I just want to issue a brief content note that I am going to be using words from the from history which can be considered stigmatising. And I am also going to be talking - not to a great extent - but to a slight extent about violence, abuse and exploitation. So, I just wanted to let people know so they can prepare for that. I'm just going to share my screen for my PowerPoint, and hopefully that will happen seamlessly. There we go. Do let me know, hosts, if you can't see it properly. And I'll try to fix it.

So, in this lecture, I'm going to trace the history of the criminalisation of commercial sex in the UK. I say the UK but my main exemplar is going to be London. And it's the place that I know the best as well. I'm going to trace the history of criminalisation from around the mid 19th century up until the 1960s. And I'm going to consider the effects this criminalisation had on London's commercial sex scene, and on the

experience of women who sold sex. And I'm also going to talk about the voices of dissent. So, the people who protested against this criminalisation.

I'm going to try to keep my talk within relatively about an hour - hour and 15 minutes - because I would love to leave time for comments and questions. As I'm speaking, you're welcome to pop - you know, if you're confused about something I've said or would like more info - you can ask a question. While I'm speaking, I probably won't notice the question because I'll be too busy speaking. But just in case you're worried about forgetting it, you're very welcome to ask questions as I talk.

But before I begin, I wanted to talk about four key things that need to be considered as kind of caveats - if you will - before I start talking about the history of women's sexual labour and its criminalisation. So first of all, this paper refers entirely to women's sexual labour. And this is largely because the laws that were used to criminalise men's sex work were entirely different. And they were reported statistically, lumped in with all charges against what was then called 'homosexual offences'. And this means that it's really difficult to see the difference between mercenary and non-mercenary same sex offenses in the historical record. So, the police didn't differentiate, the statistics don't differentiate. There is great work on this area on men who sold sex, mostly men who sold sex to men, but it's not my area. And it really requires a totally different kind of research methodology.

Similarly, trans women were not in any way identified in the historical record one way or the other. So, many men who sold sex in the late 19th century dressed as women, and some of them may have been trans women. But it's impossible to say from the extremely scant historical record. So, you can take my using the term women to include trans women who were identified by the police as prostitutes. But it's not possible to see them as a separate category in the historical record. I hope that makes sense. It's a little tricky, so you're very welcome to ask about that.

Secondly, I want to say a few words on the terminology I'm going to be using and some of the limitations of history. I use the term sex worker to refer to people who sell sex in the present day and I unambiguously support the idea that sex work is work. However, I don't use the term sex worker for people who sold sex in my period - in the period that I study, the late 19th and early 20th entry. And I don't use it to refer to what people were talking about when they talked about prostitution. So, I haven't replaced the word 'prostitution' as it was used in the past with 'sex work'. And this is because the only sources that I have that tell me whether or not a particular woman sold sex are police files and other kinds of similar records created by authorities. And I'm not comfortable trusting those files to correctly label women. So, if the police called a woman a 'prostitute', I could technically replace that with 'sex worker'. But it actually doesn't get around the issue that I'm trusting a male police officer from 1885 to define someone's identity for me. And the rare woman who did write about their experience selling sex in the past tended to call themselves prostitutes, because that was the word available to them. Or they wouldn't call themselves any particular term at all. So, I'm not comfortable as a historian who can't speak to these people in the past, imposing a label or an identity from the present day. Similarly, when moralists and legislators, and rescue workers and campaigners use the term prostitution, that's what they meant. So, they didn't have a concept of sex work. So, it would be wrong to say, for instance, "William Acton, the medical doctor who advocated for the contagious diseases acts in 1860, felt that sex work was the chief cause of venereal disease", because he didn't. He thought prostitution was the chief cause of venereal disease. And it's really important to preserve that meaning with all the prejudices, judgments, assumptions, and harm that it brought with it. And again, that's another kind of tricky matter, because there are some historians who just replace the term prostitution with sex work. But I have a very, very long, kind of thoughts about why I don't think that's appropriate. Again, happy to take questions.

So, in terms of the terms I actually use, in the cases where I talk a bit about a particular case, I use the term 'women who were labelled prostitutes' or 'women who were accused of prostitution'. When I talk about the women themselves who did engage in sexual labour, I say 'women who sold sex', and I use the term sexual labour or commercial sex where appropriate. But when I'm talking about what people were writing about in the past, I use the terms that they used which usually are 'prostitution' and 'prostitutes'. I never use the term 'prostitute' to refer in any normative way to women or a woman. And again, I'm really happy to discuss that.

So finally, I want to talk about the sources I use to get the information I'm about to talk about. Because it's, I think, important to show you where this information comes from. The sources that tell us about the history of sexual labour are by and large sources written by the powerful and by authorities. So, in my period, this means mostly police files and home office files, but also health records, prison records, reports from rescue and moral reform organisations and shelters. And toward the mid 20th century, some material from sociologists and social workers. It's incredibly rare for this period to find the unfiltered voice of a woman who sold sex, even my best sources.

My two absolute favourite sources that I've used when I wrote my book, one is called *The Men in My Life* by Marthe Watts - who was a woman who sold sex in the West End of London in sort of late 1930s to the 1950s. And this is her kind of autobiography. I absolutely love it, highly recommend it. And the other is called *Women of the streets, a sociological study of the common prostitute*. It says it's written by a man named CH Rolph. It was actually written by a woman named Rosalind Wilkinson. They stole her research from her. And despite the quite - you know - boring kind of title, it's actually the very first real sociological study. And it's got lots of direct quotes from women who are working, selling sex in London at this time. So those are my two best sources.

But even then, they're filtered. Martha Watts' autobiography is ghost written. She didn't write it herself. She spoke it to a journalist who wrote it. And *Women of the Streets*, of course, is a sociologist, interpreting what women are saying. So those are the two best, those are good. That's the closest I get. What I usually have other than these sources is when women appear at moments of duress: in murder cases and assault cases, when they're being arrested for solicitation. And these sources, you know, there's glimmers - there's glimpses and glimmers - of the real people behind these cases. But they really can't tell me or what I would so like to know, which is what women who sold sex really thought, and felt, and experienced in this period.

Dr Julia Laite 10:10

And so, what I present here is the product of about 20 years of careful and painstaking work with these difficult sources, where I try to read between the lines, find these glimpses of real women in the past among the biases of police officers and social scientists. And where I tried to do my best to do justice to their experiences, to highlight the injustices and harm that they experienced, and also to look for ways in which they survived and resisted and thrived despite this. So that's my, oh, I forgot to show my slide of some of my sources.

So, this is just two really typical sources that you would find in the archive. One is from 1910. And it's actually a police report. That's part of the case of Lydia Harvey that I wrote about in my second book. And the other is a piece of evidence that the police submitted to the Wolfenden Report in the late 1950s showing where zones of solicitation were in the West End and Hyde Park. This is the kind of stuff you find in the National Archives when you go to research, commercial sex there. And so, to begin the story of how commercial sex came to be so heavily and convolutedly criminalised in the United Kingdom, I'll take you back to 1885. I could go back further, and I will go back further. But I've decided I'm going to start here for now.

This was the year that Britain set about repealing the Contagious Diseases Acts, which many of you have probably already heard of. Notorious legislation that blamed women labelled prostitutes for venereal disease and forced them to register, get invasively inspected, and be incarcerated in Lock Hospital if they had symptoms. And the campaign against these acts had two camps, or two sides. So, people who wanted to repeal them, you know, generally for two different reasons. There were those people who were opposed to the Contagious Diseases Acts because they saw them as a violation of women's rights, and a grotesque double standard of sexual morality. And then there were those who then I would kind of call the feminists. So, the feminists wanted to repeal them because they saw them as a violation of women's rights. And then the other group who I kind of named the moralists: those who were opposed to the Contagious Diseases Acts because they saw them as a case of the state, and I quote, 'licensing vice'. As in saying commercial sex was permissible if it could only be made safe for the men who bought it. And so moralists p
oppose the acts because they saw them as licensing vice. And these two positions - and I'm gonna come back to this at the very end of the lecture - these two positions can be traced forward, I think, to the feminist and moral reform politics of the present.

So, the Contagious Diseases Acts are just in the process of being repealed. And in July of 1885, London is rocked by what remains one of the biggest newspaper scandals in world history. 'The Maiden Tribute of Modern Babylon' cried the headline of the *Pall Mall Gazette*. It claimed that London was the heart of what they called the 'white slave trade', a term that was quickly popularised to mean exploited prostitution, particularly the exploited prostitution of young, innocent white British girls. And this is a just a clip from the newspaper. And this was one of the very first sex trafficking panics, the first in a seemingly endless line of newspapers being shocked by the horrors of trafficking.

William Stead - who was the journalist who wrote it - went on in lurid detail about the brothels living beneath the respectable facade of London's West End, where virgin girls were bought and sold with impunity, because the age of consent was only 13. And this claim, Stead and his allies - which included Josephine Butler, a name you've probably heard (she campaigned against the Contagious Diseases Acts), so this was this was white slavery. The very rich preying on the bodies and souls of poor white working girls in London. Stead went so far as to prove his claims that he even bought a virgin himself for five pounds. Her name was Eliza Armstrong, and Stead had her forcibly inspected for virginity and kidnapped her to friends, setting what might be considered a gold standard of hypocrisy for crusaders around the issue of prostitution.

So, I anticipate that a lot of the things I'm saying here are going to sound eerily familiar in terms of how they play out in the present day. So, after the publication of *The Maiden Tribute of Modern Babylon*, crowds filled the streets demanding that the government do something to stop this terrible traffic. And just to sort of highlight how big an issue this was, they estimate that in the in the protests clamouring to call for this law to be passed there were 300,000 people in Hyde Park. An absolutely incredible number of people who were all really concerned about this issue. The bill that they were trying to get passed was the Criminal Law Amendment Bill. And it had been devised after a series of earlier high-profile reports about trafficking in which British girls were being found in Belgian brothels.

Belgium, like most European countries in this era, controlled prostitution through regulation. It set places and times brothels could operate, the prices that they could charge, and it registered women who worked in them and forced them to be inspected for venereal disease. And campaigners, both in Britain and elsewhere, saw these regulated systems as fuelling the traffic in women. So, brothel owners would recruit fresh women, and they would regularly seek out English girls - this is what they're saying in the in the sources - because English law said the age of consent was 13. So, they could kind of recruit

13-year-olds with impunity. And in Britain, they also claimed the brothel keepers operated with impunity. Because the law at the time - there was a law against brothels. It was called the Disorderly Houses Act. But it was an indictable offense, which means that the sort of burden of proof was quite high. And they had to take those cases to the central criminal court to be heard. So they couldn't process them in the in the police courts - which meant it was super expensive to prosecute brothels - and nobody really did. So that's what the moral reformers are starting to call for: a law that enables them to prosecute brothels more easily.

So, this bill. The first thing it tried to do was raise the age of consent to 16. That was its main goal - to raise it from 13 to 16. It also made a law that made 'procuring for the purposes of prostitution' a crime. And this 'procuring for the purposes of prostitution' is basically trafficking, grooming, that kind of thing. But it also stipulated that the person being procured could not and, I quote, "already be a common prostitute or have known immoral character". This meant that the law was only applicable if a quote unquote 'innocent woman' had been trafficked, which I'll go on to talk about a little bit later - basically made the law useless.

And this idea of kind of tagging on a criminalising law, or something that repressed prostitution, onto a law that did something arguably quite good (which is raise the age of consent) may sound familiar to those familiar with the way legislation around prostitution works in the present day. Which is that it tends to happen that legislators attach measures to repress commercial sex to measures designed genuinely to protect women from sexual harm. We see this throughout the 19th, and again in the 20th, century, and again in the 21st century - that they piggyback these repressive laws onto laws that ostensibly feminists would agree with.

So, the *Maiden Tribute of Modern Babylon* in 1885 forced MPs to pass this law. And the 1885 Criminal Law Amendments Act was given Royal Assent just before Christmas of 1885. It did raise the age of consent to 16. It made 'procuring for the purposes of prostitution' illegal, within or without the Kings Dominion - so it defined it as a transnational offense. And finally, the moralists got their real wish. Which was that it made the keeping of a brothel a non-indictable crime - meaning that cases could be heard in front of magistrates quickly and cheaply. And so, this was really, really key. Because that was of the three aspects of the law, the age of consent, procuring for the purposes of prostitution, and making brothels more easy to prosecute. You probably guessed already that it's the final one that actually got applied.

This Act and the campaigns surrounding it launched an unprecedented legal crackdown on prostitution that is still in effect today in Britain. And this story of what happens between the criminal law and Amendment Act - and when the current laws that we live under started to get passed in the 1950s - is what I want to focus on next.

Dr Julia Laite 20:04

I think that the history of the Criminal Law Amendments Act is a powerful object lesson in the way that a law - ideologically conceived - gets actually written. And then applied in the real world. And the way that demands to end exploitation in the sex industry, once in the hands of lawmakers and the police, morph into repressive measures that target all commercial sex. And end up being actually very uninterested in addressing actual exploitation.

So, for instance, raising the age of consent to 16 did little to improve the actual success rates of prosecutions of rape and assault for girls under this age. Likewise, the provision against procuring for the purposes of prostitution was highly problematic. Like I said, it was highly problematic, because

there were and there were very, very few prosecutions for procurement. This isn't necessarily because very little grooming and procuring was happening. You know, of course, women were regularly abused and misled by people within the sex industry. But the trouble was, these women were usually already selling sex, as in they - like so many women and other jobs like domestic service - were regularly defrauded and exploited by their employers. But the law went on to stipulate that it was only possible to procure a woman if she was not already a 'common prostitute' or have 'known immoral character'. Meaning that it deliberately excluded the main group of girls and women who it may have helped.

All the defense needed to do to get a not guilty verdict was prove that the woman who had been procured had already sold sex or even had sex out of wedlock. And that was enough to say, well, then she couldn't have been procured. She couldn't have been defrauded. Because she wasn't innocent. And this model of innocence as a prerequisite to claiming victimhood just keeps going through the whole century. And as I probably don't need to tell anyone here, right into today.

The criminalisation of brothels is the one that actually got applied in the real world. And it's really interesting because they didn't actually define what a brothel was in the law. And so, they passed this law and they celebrate - yay, we can we can criminalise brothels now! And then they stopped and went - well, wait a minute, what's a brothel? A series of case laws between 1885 and about 1900 tried to figure out - sorry, a series of cases created a case law precedent that defined a brothel as a place where more than one woman practices prostitution.

So, this whole campaign was predicated on the idea that brothels were inhibited or exploitative. That they attract girls, they were kind of prisons. And the law that comes out the other end is saying any two women who work together constitute a brothel. And this is, as I'm sure you already know, incredibly important, because it's still the definition of brothels in case law, in common law in Britain today. And it's one that a lot of folks are campaigning to change. But that's when it happened - right after the 1885 Criminal Law Amendment Act - when they realised: we didn't actually define a brothel. They defined it as a place where more than one woman practices prostitution. And after that you get these moral reform organisations launching an incredible crusade against any place that could be considered a brothel in London. It goes into a full-scale crusade.

What's interesting is the police didn't really want anything to do with this. So, it's actually the moral reform organisations that are staking out brothels and prosecuting them, and paying to prosecute them. And prosecutions, which have also gotten cheaper and easier - you'll remember - go from a few dozen a year to over 1000. I'm not sure if I actually have the slide here. No, I don't. If you saw the slide, it would be a graph of brothel prosecutions that goes straight and then just skyrockets after 1885.

So, they crack down on brothels, they get their wish. What is the effect? What happens? Do brothels stop operating? As I'm sure you've all guessed correctly? No, they don't. What does happen? So, to answer this, we need to look at what these brothels really were, what they looked like in London at this particular historical moment. And we also need to go back a little further. I said I was going to take you back a little further and look at the laws against street solicitation that existed long before the *Maiden Tribute of Modern Babylon*. And long before they passed this law against brothels, because the two are really tied together.

So late 19th century London was largely a street solicitation scene. Women would solicit men, most often in the West End, but kind of all over the city. And bring them back to these brothels which were usually houses where women paid for the use of a room but didn't live in. And in my research, I found that the majority of those these premises - well, the majority that came before the eyes of the law - were owned or managed by women themselves. So, the largest group of people who ran brothels and

were prosecuted for keeping brothels were women selling sex themselves. Again, you're probably not surprised to hear that the next biggest group were married couples. So, the next biggest group prosecuted for brothel keeping were men and women who were married. This idea of this resident closed brothel run by madams and pimps was in the extreme minority in London, as far as I can tell. I have found no case file about brothels in which women were forcibly confined. I'm sure that they existed, but they were definitely in the minority. Most of the time, a brothel was simply a house that women clubbed together to rent.

And until the 1885 Criminal Law Amendment Act, police tended to look the other way unless it became a nuisance in the neighbourhood. And probably also (and this has never been written down, there's no record of this) they saw those places as a place to get money so they could extort women in exchange for not prosecuting them. Once it becomes easier to prosecute them, women could no longer work together. And it's incredibly dramatic, the change that you see within the case files at this time. Women can't work together because they're being prosecuted for brothel keeping. And they end up having to go into furnished rooms. They're forced into streets and parklands, so Hyde Park, for example.

The biggest effect of all which rapidly develops over the course of the 1880s is the one-woman brothel, as police would call it, which are houses that were subdivided into individual flats. Landlords would just kind of fit a room in a house with a gas fire and a couple other things that made it legally constitute a separate dwelling, and then let. These landlords, who were usually men, could profit from charging high rents to several women in the same house. But none of them would be considered a brothel because they were all rented separately. So, these men would charge women incredibly high rents. And they were called "prostitutes rents" by the police. So, the police knew of it were happening, what was happening. And actually, the police spoke out against it quite a lot, but nobody really cared what the police thought.

So, by the beginning of the 20th century, we see a system that was once dominated by female landlords and women clubbing together change into a system that's dominated by male landlords who often run several properties, and who charge extortionate rents to the women who are using the building. Again, I'm sure this sounds familiar. Brothels that stayed open moved around, kind of closing in one place and then popping up in another. And all of this, even after the crusade against them, they remain heavily connected to solicitation that was happening on the street. Women continue to solicit men on the street and take them to a one-woman brothel to have sex. Or in other areas, would have sex outside like in Hyde Park, for example, that was the biggest area for women who didn't work indoors.

The West End (which may surprise some people who heard a bit about 19th century commercial sex) was where the vast majority of street soliciting was happening, despite the association that pop culture has with the East End as a site for commercial sex. So, the sex work scene was around Regent Street, Piccadilly Circus, and a little bit up into Soho, though it hadn't quite gotten to Soho as much in the late 19th century. The crusade against brothels came along with more and more pressure from local moral reform organisations for police to do more to stop prostitution on the street. So, they're cracking down on the brothels. And then the next sort of target for the moral reform organisations is to stop prostitution from happening on the street.

Dr Julia Laite 29:41

These moral reformers argued that the presence of prostitutes on the street tempted men, and worse, tempted innocent girls to become prostitutes. And business owners complained it caused disorder, and entertainment seekers complained that it bothered them on the streets. So, if you look at the case files,

the police files, and the whole office files from this time - there's piles and piles of letters of people writing in complaining. You know, the kind of 'save our eyes' sort of stuff.

And more and more pressure grew for police to make better use of the two laws at their disposal, which were called the solicitation laws. So that takes me back to the 1839 Metropolitan Police Act. There are other solicitation laws as well, but I kind of made the decision to not bombard you with too many pieces of legislation. And the main one that police used in this period was the 1839 Metropolitan Police Act. Which said 'any common prostitute, loitering or soliciting for the purposes of prostitution to the annoyance of inhabitants, or passengers was liable to a fine', and if they couldn't pay the fine, to imprisonment.

This was an extremely strange law. And it required two things. Firstly, that the woman arrested be a 'common prostitute', and that the arresting officer be able to prove that she was 'annoying' someone. And this caused immense difficulties for the police in the 1880s. The annoyance clause, as it was known by the late 19th century, had essentially become a dead letter. So, police evidence was taken by most magistrates as enough to prove that the woman was 'annoying' someone. So the police officer who just became a standard performance - he would go to the police court and say, "Oh, I saw somebody step off the pavement to avoid her, therefore, he was annoyed". The woman would plead guilty because the fine wasn't super high and she just wanted to get out of there. And she knew she probably didn't have a standard chance if she pled not guilty. And it was just generally assumed that if a woman was on the West End streets after dark talking to men, that was evidence enough of her being a 'common prostitute'. This is sort of the 1870s, what I was just talking about there, because that's how the kind of system worked.

But the late 19th century was an era when more and more effort was put into sanitising public space for the growing, urban middle class. Especially middle-class, respectable women. And the West End of London is a perfect example of this. So, in the 1870s and 1880s, the shopping centres start to open. These kinds of famous London landmarks are starting to open. And they provide public conveniences - that is toilets - for women. And they encourage more and more women to come into the West End to shopping, to go to music halls, to go to the theatre. And so, there's more and more women in public in a way that they had never been before.

And this leads to a total crisis for the police. Because how could you tell these women from prostitutes? How could you make sure you're arresting the right woman if the system was always predicated on the fact that she's a woman, and she's here, therefore, I can arrest her. Now that didn't work anymore. And if you look at this - the little cartoon or the drawing on the screen - there's a moral reformer trying to kind of convert somebody who he thinks is selling sex, like handing her a Bible and you know, telling her, you should read it. And she says, "Bless me, sir, you're mistaken. I'm not a social evil. I'm only waiting for a bus". And that kind of encapsulates the debate at this time, this sort of crisis. Oh, my goodness, how are we going to separate women respectable women from unrespectable women? How could you tell someone was a 'common prostitute' to satisfy the requirements of the law?

Basically, the way police made this work amounted to a de facto form of regulation, a kind of legally required stigma. They would observe a woman in public, write down her description, charged her movements just over the course of an evening, decide she was soliciting, and then arrest her. And they use their own police notes to prove in the police court that she had been soliciting. And as soon as she's successfully charged for the first time - so found guilty for the first time of soliciting - her name and description is kept on an unofficial police register.

So, they weren't actually official place registers, but they existed. They're still in the archives. And this woman who was labelled a prostitute was liable to arrest anytime she was in public, even though being a prostitute was not illegal. And this is how the early 20th century saw a major crackdown on street solicitation is by essentially stigmatising women, registering them, and then arresting them whenever they're seen in public. And this didn't go without remark. Early 20th century feminists were horrified at this system and spoke out against it.

And one of my absolute favourite quotes comes from Mary Gordon, who was the very first female inspector of women's prisons. She was inspecting prisons in the late 19th and early 20th centuries. And she was an outspoken advocate for decriminalising the solicitation law. So basically, repealing the solicitation laws. She wrote, "the common prostitute, by being something which is not an offence to be, can commit offenses which other women cannot commit, and can be brought to courts without the testimony of any annoyed person and sent to prison on the witness of the police. But how does a woman become a common prostitute? She becomes one by the simple process of the policeman moving her on, probably telling her she is one, warning her he will arrest her, and finally arresting her, swearing in court she is one, and that she has loitered with the intention of soliciting, or that he has seen her soliciting. After that she is eligible for punishment, and takes her place in the ranks of 'common prostitutes'". So people like Mary Gordon saw these laws as utterly unconstitutional. And I'm going to come back to that feminist movement at the very end of the lecture.

So what was the effect of all of this? Did street solicitation go away? No, of course, it didn't. Police report that the pressure to arrest more women essentially led to displacing water. Any crackdown in one area pushed it into other areas. So, this is the period when we start seeing Soho become a kind of informal red lights on in London. Before this, women tended to solicit more broadly around the West End and other places. But over time, you start seeing it get kind of pushed up into Soho.

For the average woman this this crusade against street solicitation meant that she entered into an endless cycle of solicitation, arrest, find solicitation and arrest again. One woman in fact, Marthe Watts - who I already talked about - solicited in mid 20th century London, wrote about her experience of coming before the magistrates on 400 different occasions for soliciting and brothel keeping. And I quote "through which even at two pounds a time, I have contributed substantially to the British exchequer". Many women saw this as an informal taxation system. "The government's got to get our money off us somehow", one told a sociologist in the late 1940s. So, these are the what I mean by these glimpses of the opinions of women who sold sex, they come through every now and then. And this is one major theme. They sort of say, well, that's what the fines are, aren't they? It's taxation.

Women engaged as well, after this crackdown, in more furtive solicitation. Police and women themselves talked about how they were quicker to go with clients, there was less time to chat. In the mid 19th century West End - before these crackdowns started - women used to gather in groups chatting with potential clients, chatting with each other, before negotiating a contract and going off with a particular man. And this cultivated, of course, an era of sociability for the clients who were part of the kind of gentlemen's clubs scene of the West End. But for women, it was not - or not just - the social practice. But rather a work practice, of course, a way to screen clients, seeing who went with whom, and where. So, they could see each other and when they were coming and going. Crackdowns on solicitation from the early 20th century on meant that women could no longer stand in chat with their colleagues. They were constantly being moved on by the police. So, they just had to keep walking, and walking, and walking. They had to negotiate with clients very quickly, and they couldn't be seen walking with another woman. This is really the kind of advent of the situation that so many women continued to live with throughout the 20th and 21st centuries.

Dr Julia Laite 39:02

I think I've got - oh, no, I don't I didn't have that statistic. I probably have my slides out of order. I'll come back to it if I see it again.

So, alongside laws against brothels and solicitation, there were other legal responses to prostitution, all of which were ramping up in this period. While buying and selling sex were made ostensibly legal, the window in which a person could legally do it was narrowing further and further over the course of the early 20th century. For instance, in 1881, they passed the Industrial Schools Act, which allows the state to take children from women who are labelled prostitutes. And that results in a lot of women having to hide their children. 1898 makes 'living on the earnings of a prostitute illegal'. So that's the very first law against pimping - what we would, in the present day, call pimping. But this is often used against the sons and husbands of the women. And also, if you look at the way this pimping law is prosecuted you'll see the husband being charged with pimping, and the wife - the woman who's being quote, unquote "pimped" - being charged with brothel keeping. So, it's again, a law that was supposed to be about preventing exploitation but actually just becomes another thing in the arsenal of repressing commercial sex.

But it must be said that there's another kind of section of people who do use this law - the 1898 'living on the earnings' law - to prosecute abusive partners and business managers. So, you do see women using the law for themselves as well, which makes for really interesting reading.

So, by the early 1900s, concerns about trafficking resurfaced and the panic over trafficking reached new heights. You may already know it, you may not know it, but the very first feature film ever made, which was made in 1913, was called *Traffic in Souls*. And it was about trafficking. So again, just to highlight the sheer kind of cultural importance of prostitution and trafficking in this period, the very first feature film was made about it. It grew into a global moral panic spurred on by newspaper exposes, a fiction film. And it was kind of all centered around this panic about the increasing mobility of young working-class women. Working-class women were leaving home more than they ever had before, going to cities, trying to make better lives for themselves. And campaigners claimed that they wanted to protect these women from the very real sexual exploitation that they could encounter, both just as workers in the illicit industries of the city, but also as people selling sex.

But if we look closely at the legislation, in these years, a different story emerges. What we find is another clash between an ideological approach and the actual writing and implementation of the law. So, this is all kind of centred around this panic over these innocent white young women who are imprisoned in brothels and trafficked by dastardly, almost always foreign, criminals. And this image is a kind of quintessential image from the time of this of whiter than white woman trapped behind bars. You can't read the caption, but it says, "My God, if I could only get out of here". And behind her again - you probably can't see it - is a racialised man who is imprisoning in her. A kind of classic image, there's so many like this. And if you look, of course, at present day images of trafficking, they look strangely similar to this one.

So, they're claiming to want to stop trafficking. But the first law that actually gets passed in the name of anti-trafficking is the 1905 Aliens Act, which didn't do anything to stop exploitation, but instead defined prostitutes as quote 'undesirable aliens'. So anybody who was coming from France or Germany (which was the biggest kind of migration at the time) who had any kind of charge for prostitution on their criminal records, could be called 'undesirable aliens' and denied entry or deported. And so far from protecting migrant women in the sex industry, they actually start deporting them. So that history, again, is a very old one.

In 1912, they pass another Criminal Law Amendment Act which is also called the White Slavery Act, which says that controlling or directing the movements of a prostitute is a crime. And again, there's some semblance of protection here. As in theoretically, a woman could say this person defrauded me and trafficked me. But actually, the prosecution rate was extremely low. And the law required no evidence of exploitation. So again, it was just often used against business managers who were in a kind of relationship with women or against women themselves. And then finally, the 1920 Aliens Act stipulates – this is the kind of big acts that pre-stages all the immigration acts thereafter - it defines prostitutes as 'undesirable aliens', and says that they can be deported. And what's really interesting to me is that this this crime, - prostitution, soliciting - is the only crime in the Aliens Act that's non-indictable. All the other crimes that people could get deported for were all indictable, like serious thefts and murders. And the only one that was a minor offense but you could still end up getting deported, was prostitution. Which to me says a lot actually about trafficking and how it's always just been very thinly veiled migration control. And so, this campaign to save exploited trafficking victims quickly turns into a campaign to eradicate prostitution, or at least make it seem as though it was eradicated by pushing it out of sight, or beyond the borders of the nation.

And this is the statistics I wanted to show you earlier. This is arrests and convictions for solicitation related offenses. You can see kind of from the 1880s through to the 1940s, it's actually really uneven because the police really didn't like this part of their job. And they tended to look the other way as much as possible unless some kind of scandal forced them to act. But the really interesting thing is that by the 1920s you can see that the arrests and conviction rates are almost the exact same. Almost every woman who was arrested and charged with solicitation was convicted. This is, I think, the conviction rate peaks at 99.9%, which is by far the highest conviction rate of any offense in all the statute books. Which again says quite a lot about just how unjust this law is.

And I talked as well about how solicitation started kind of concentrating in one area, how the police were pushing it into certain areas. This is a map which I made, painstakingly made - it took me a really long time. I know it doesn't look like it took a long time, but it did. This is London arrests for prostitution related offenses from 1903 to 1906, which is a time that I could get reliable statistics for. As you can see it's concentrated in Westminster and the D division is what's now called Fitzrovia, but it was then called North Soho and it's the area around Kings Cross and Marylebone, in that area.

But it's also kind of happening everywhere, right? Like there's little pockets, there's little scenes everywhere, especially H is White Chapel. And over in R was around the military barracks, and Woolwich and so on, right. So it's kind of concentrated, but spread out. But then if you look from 1950 to 1953, it's just massively concentrated in Soho. So those big dots equal 1000 arrests. And I find that so striking the way that this criminalisation just pushed commercial sex into just one area. Because one of the things that that tells me, I think, is that women were forced to work further and further away from their communities. They'd have to commute, first of all, huge distances to get to the West End. But also, they were kind of dislocated from their communities more and more because of this criminalisation.

So overall impacts of criminalisation: more isolation, women were forced into single woman accommodation, they didn't have co-workers, social support network, networks were more fractured, there were fewer people to work with, fewer people to notice if you needed help. And there's lots of evidence that women still supported one another in all kinds of ways that for instance, there's evidence in the police files that there was kind of an organised system of bailing each other out of the police of the police jails. But you can see that system starting to break down - that mutual support starting to break down - because women are forced to be so isolated. You also see more dangerous solicitation,

because trying to get away from the police also means having to get away from natural public surveillance. So, they're moving out of say, Piccadilly Circus, and into the darker streets in in Soho, just behind Piccadilly Circus.

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And you also see murder rates, and abuse rates, and assault rates go up. And you also see police saying there's no point in prosecuting this or investigating this, because there's no way to find any of the perpetrators, because there were no witnesses. Because women were forced into such dangerous situations.

This is all a predictable outcome of criminalisation. Another thing that I really see in the police files and in the Home Office files is increasing third party interest in commercial sex. So, it isn't surprising that in the context of all this criminalisation, women began to turn to 'protectors' as both they and the police called them. So that was the word - the police wouldn't use the word 'pimps', they'd use the word 'protector', which is interesting, actually. And this is straight out of the police reports for the time. They said that these 'protectors' - or 'bullies' was another word that they would use - were increasing rapidly as women sought help and protection. So they would have to turn to men to help them get accommodation. They'd have to turn to dodgy landlords.

And so what happens is you get way more third party interest in the commercial sex scene. So, a scene that was more dominated by women themselves - who were renting rooms to each other - started to get dominated by men and kinds of much larger, more organised systems. But some things stayed the same. One was the overwhelming amount of evidence for why women sold sex. And that was to earn a living in an economic system where there were very few choices for women to survive on their own, let alone thrive on their own. Where domestic service - horrible, gruelling, poorly paid work that subjected women to frequent sexual and physical abuse - was the main licit labour option. So domestic service was by far the biggest employer of women in this period. And women really hated it. And again, feminists notice this, and feminists talked about this. I'm talking about middle class white feminists who were campaigning against this system of criminalisation.

One woman wrote in a feminist magazine in 1916, that "no scheme of rescue appears to have the slightest chance of success. While prostitution is not only the best paid, but the only well-paid profession for a large number of girls. Under present conditions, nobody can pretend that a respectable life of work is a guarantee of tolerable comfort and well-being". And what I really like about this quote is - Constance Tite is the woman who wrote it (she's sort of a minor suffrage feminist in the in the 1910s) - is she's not saying, oh, you know, sex work is something that women do when they're desperate, and just to survive. She's saying that women deserve tolerable comfort, and that women deserve well-being. And it's reasonable for people to seek those things out, it's reasonable for people to want to do more than just survive.

And you see this again, and again, in those glimpses I get of women who sold sex, their own opinions on the issue. One of them told an interviewer, "if I didn't go out with a man, every now and then I couldn't stick life, I only earn enough to pay the rent of my room, my fares and a bit of food, night and morning. I couldn't even afford to go to the pictures out of what I get. And I had, I should have to scrape to get shoes, let alone clothes." So, she's saying, you know - yes, I guess I could get by without selling sex. But what kind of life would it be? Another one said, "I've tried to get work, but I can't find any. I can't type, so no one will have me in an office. I'm not strong enough for a factory. And I'd rather die than go into domestic service".

And the number of sources that have women saying that - *I'd rather die than go into domestic service* - is really striking. And finally, another woman told an interviewer, "what can you offer me if I do give this job up? A job in a laundry at two pounds a week? When I can make 20 easily and have a bit of fun from it?" And so, you see these moments? They're really rare. And that's kind of all I've got. But you see these moments where women are clearly articulating what they do is work, and articulating against the other first shittier choices that they see themselves as having.

Okay, I'll stay there. So, I want to finish this lecture by talking a little bit more about this feminist protest, and what I call the early 20th century decriminalisation campaign. So, when I first started doing my PhD back in 2003 this was the first thing I noticed, was that there was a huge number of feminists and again, middle class, kind of, you know, moral reform feminists in the early 20th century who were campaigning against this this solicitation laws. They were campaigning to repeal the solicitation laws. And I kept telling people this, I was like, there's this there's this decriminalisation campaign happening in the early 20th century. And no one - and by no one I mean, other historians and people who weren't familiar with it - no one believed me. They said that's not possible, like they were all kind of anti-prostitution. But happily, I've spent 20 years proving those people wrong. There was a decriminalisation campaign in the early 20th century.

Before she died in 1906, Josephine Butler expressed deep concern about the increasing criminalisation of prostitution. And she argued that labelling a woman a 'common prostitute' in order to arrest her for soliciting was no different than registering her in a legal brothel. Both labelled and targeted women, both stigmatised them, and both were unconstitutional. And like Josephine Butler, most early feminist campaigners grew increasingly opposed to this way of controlling prostitution. They argued that the solicitation laws unjustly labelled and stigmatised women, and held them to a different standard of behaviour than any other person in public space. They opposed any measure or law that singled out prostitutes.

So, they were campaigning to scrub all of the laws of any reference to prostitutes, which they said was unconstitutional. That it's not constitutional to label somebody before you charge them. And they argued instead for a law that would ensure no one disturbs the peace no matter what they who they were, what they were doing. What they wanted was a general law against street harassment. They also opposed immigration laws that targeted women labelled as prostitutes as well. They didn't succeed. They put several bills forward - this kind of street harassment bill that would replace the solicitation laws - they never did succeed. But they never stopped trying.

Really interestingly, they didn't wish to see the criminalisation of clients either. Despite the fact that pretty much every single one of them was fundamentally opposed to prostitution. So, these feminists were campaigning to repeal solicitation laws, even though they were opposed to prostitution. This is because, they argued, and I quote, "we want an equality of justice, not an equality of injustice. "Prostitution is a grievous vice", wrote Allison Neilans, who was a leading feminist campaigner, "but it cannot be made a crime without grave injustice". And so, these feminists continued to wage this decriminalisation campaign into the interwar years, which included introducing laws in parliament that would repeal the solicitation laws.

Dr Julia Laite 56:56

And when largely male-led moral reform organisations (so there was another kind of camp who were trying to actually propose the criminalisation of buying and selling sex) - so there were the feminists who were trying to decriminalise solicitation, and there were the largely male-led moral reform organisations who were actually proposing criminalising, buying, and selling sex outright. And so,

whenever they tried to propose this, these feminists fervently opposed it and launched full scale campaigns to oppose these suggested laws.

When reformers suggested that women should be forced into reform homes if they were caught soliciting (a kind of mandatory exit program) feminists argued that this was illiberal. And this is really important to note was not a fringe campaign. This wasn't just a handful of radical women. By the early 1920s, these campaigns had the support of the National Council of Women's Suffrage societies, of the National Teaching association, of the YWCA, of the Catholic Women's Association, and the ardent support of the Salvation Army. So, all of these organisations supported decriminalisation in the early 20th century, even the Salvation Army. The decriminalisation of prostitution was at the heart of early and mid 20th century feminist politics.

And Alison Nielans, who I mentioned just then - who's mostly forgotten but totally kick ass early feminist - spearheaded this movement. And this is my favourite passage out of what were many scathing attacks she wrote against rescue work, and the moral reform movement. She wrote in 1922, "the prostitute is the scapegoat for everyone's sins, and few people really care whether she is justly treated or not. Good people have spent thousands of pounds in efforts to reform her, poets have written about her, essayists and orators have made her the subject of some of their most striking rhetoric. Perhaps no class of people has been so much abused, persecuted, hated, or alternatively, sentimentalised over as prostitutes have been, *but one thing they have never had yet. And that is simple legal justice. Ought we not to secure legal justice for the 'common prostitute' before we set out to reform her?*" I come back to that quote a lot.

These early feminist campaigners were aware of a fundamental fact. That prostitution would exist so long as women's economic and social inequality existed. In my research, it's clear that selling sex was for many women, the only work that they could do that would give them tolerable comfort. In an era much like today, when a small army of women cleans the houses and businesses of the middle classes for long hours and low wages, and very often a side helping of sexual harassment and assault, prostitution offered independence and often a much higher income. It was not work without sexual violence and exploitation and abuse. Of course, it wasn't. The law - as crap as the law is against sexual abuse today - it was even crapper in the early 20th century. And the police files of the early 20th century make for very difficult reading. They're filled with cases of murder and violent assault against women who sold sex from clients, from third parties, and from others, including police officers themselves. But again, no work for a poor woman in this period was free from violence, exploitation and abuse. So now, that's the early to decriminalisation campaign. And I want to finish by talking about the 1950s. See if I can find it. Oh, the right slide.

Dr Julia Laite 1:00:59

Yes, here we go. So, by the 1950s, the political landscape in regards to prostitution had begun to change. Despite all the efforts to criminalise commercial sex and push it underground, it just kept popping up, not least because women found all kinds of clever ways around the law, which I wish I had more time to tell you about. But there's just some absolutely wonderful ways that they found loopholes, including one where they would get the taxis to drive them around the block in order to avoid the police.

In the years following the Second World War, arrest rates had skyrocketed. So, if you just look at this graph again - which is the same one I showed you earlier - and see what happens after 1945. It's a pretty remarkable spike in arrests. So, this is arrests for solicitation related offenses. And so, the home office starts flipping out, because this doesn't look good. You know, why are there so many more

arrests for solicitation? Some people sort of explained it - because there's more displaced young people in the aftermath of the war. Some people say, well, you know, the commercial sex market during the war was booming. And it's just an aftermath of that. A lot of people say it's because the police under are under more pressure to clear the streets, especially right before the coronation in 1953. So, you know, they have to make sure that London looks perfect for the coronation.

But I actually think it all comes down to a much simpler fact. Which is that starting from around 1946 police got paid for overtime spent in court. So, before 1945, 1946, police didn't get any extra money for attending court. So attending court was just a chore. And police didn't get paid very much in this period at all either. And so, when they start saying the police are allowed to claim overtime payments for court appearances, the police start seeing women soliciting on the street as cash cows. They can arrest them. If they need a little bit of overtime all they need to do is arrest a bunch of women on the street. Which is easy to do because the law is incredibly stigmatising. And then they can take them to court and get paid. And I'm certain that this is the biggest factor behind this rise of arrests, and so was the police commissioner. He wrote in a secret file in around 1953 that this was why there was such a spike in arrests.

But you know, you can explain it with bigger contexts as well. And it was in this context of the spike in arrests, in this kind of panic that London was a kind of city overrun with prostitution, that the Conservative government established a departmental committee on prostitution onto which was later added homosexual offenses. And this became the now famous Wolfenden committee on homosexual offenses and prostitution. So, they hear testimony from police, social reformers, feminists, prison workers, social workers, etc. They don't hear any testimony from women who sold sex, unsurprisingly. So, they hear all this evidence and almost everybody is saying that if you push prostitution underground, you're going to create a rise in third party involvement. And you're going to see a rise in assault and abuse, and you're going to make it harder for women to exit prostitution. Wolfenden ignores all of this expert evidence and instead just recommends removing the need to prove annoyance from the solicitation laws and massively increasing the fines and prison sentences.

They explicitly wanted to push prostitution off the streets and indoors, all the while knowing that brothel laws would make operating indoors difficult as well. They didn't care, they just wanted it out of sight of what they called the ordinary decent citizen. So, anybody who knows about the Wolfenden report thinks of it, or tends to think of it, as a liberal document. So, on the anniversary, the 50th anniversary and the 60th anniversary, you know, it's always trotted out by the BBC and talked about, you know, how this was the moment that they recommended that homosexuality should not be a crime. And so it's seen as this kind of harbinger of a much more liberal era, liberal attitudes, specifically towards homosexuality. And, you know, you can argue that it was. Although a lot of historians say that what it really did was say, as long as homosexuality happens in private, it's okay. But we also don't want to see that in public either. And actually, they crack down on queer men in public more than they had before. But still, most historians see it as this kind of important beginning towards the decriminalisation of homosexuality. But for women who sold sex on the streets of Britain, Wolfenden was something else entirely. This report was a deeply oppressive and unjust document for women who sold sex. It ignored their opinions and experiences, ignored a century of feminist campaigns for justice, and even ignored police concerns about pimps and organised crime, all in the name of recommending a change in the law that would clear the streets for what they called the 'ordinary citizen'.

Dr Julia Laite 1:06:37

So right after the Wolfenden report, the Conservative government tables, the 1959 Street Offences Act which says 'any common prostitute, loitering or soliciting for the purposes of prostitution would be

liable to a much higher fine, and prison'. And you can see it's basically the same wording as the much, much older act. They've just taken out 'to the annoyance of inhabitants or passengers'. So, the police no longer need to prove that a woman's bothering anybody on the street, they can just arrest anybody who they've labelled a prostitute. When the bill went to Parliament, they tried to argue that the reason that they should do this - the reason that they should crack down on commercial sex - is because women aren't doing it at a commercial needed or financial need anymore. They're doing it just because they want to, and so exists to be this pathologising narrative that we continue to see today. About women aren't doing this, it's not work. It's a pathology. And this has far reaching consequences.

So, after 1959, when the street Offences Act is passed, there's a major, major crackdown on street solicitation, and all that disappears from London. They succeed, they push it indoors, they push it out of sight. Now, that's not forever. But in this immediate era, it is. The Josephine Butler society labels this, this law a 'pimp's charter' and you see a massive rise in third party interests, especially dodgy landlords. But you also see a continuing resilience as well, women find ways to work within the loopholes of this law. This is the dawn of the calling card era, for example, because it coincides with when telephones are now operator free. So you don't need to call through an operator to call somebody. And so this is a calling card era. And then of course, the internet era kind of replaces that.

So what can the study to finish? What can the study of the history of criminalising prostitution in the late 19th and early 20th century, tell us about the present day. It's obvious that the debate between rights and protection continues. On the one hand, sex workers rights advocates, many of whom are sex workers themselves, of course, argue that only decriminalisation and an assurance of basic rights, the right to work where they want and with whom they want, the right to walk down the street without fear of arrest, the right to have and raise children and live with partners and friends, will create a safe working environment. They argue that there will always be people buying and selling sex, and that the only way to make it better is to give women actual viable work options outside of prostitution, social support that lifts them out of poverty, and finally to make their working lives inside and outside prostitution as safe as possible.

On the other hand, there are campaigners who feel that prostitution is a fundamental violence against women in and of itself, that must be prosecuted to the ends of the law. They demand stronger and stronger laws against third parties, trafficking, brothels, and they want to see street prostitution eradicated. This group of campaigners who are mostly made up of radical feminists - I'm sure you know them - and religious organisations, which is the alliance that's always existed. Religious organisations are throwing their support behind what's called the Nordic model. And regardless of what my stance is on this, and I think my stance is fairly clear, here is the greatest lesson of this history that I've been researching now for almost 20 years. Any attempt to suppress commercial sex with criminal law is like displacing water. So long as the underlying factors that compel women to sell sex remain, which is overwhelmingly women's working poverty and a lack of social support. No criminal law, however novel, will stop it or even reduce it. And this is not even to consider the fact that there are people who sell sex who absolutely do enjoy the work, and who have chosen it without pressure or duress.

Even more importantly, History teaches us that laws, however perfectly conceived in an ideological sense, always have to encounter the messy reality of actually being applied. And this application always comes down harder on poor people, people of colour, and migrant people. Laws that had been intended to protect over the course of the 20th century either ended up punishing, or were not applied as much as laws that punished. And there's massive amounts of evidence on this, that, you know, any law that was passed to extensively protect women ended up doing more harm than good.

But there's another lesson in this history as well. The feminists who campaigned for decriminalisation in the early 20th century, and who wrote about the rights of women who sold sex, did not think that prostitution was a good thing. I don't want to misrepresent their ideas. I don't want to say they were sort of they had the same feminist politics as sex workers rights do today. They did not see a place for prostitution in an ideal feminist world. I'm not saying this because I'm advocating that you should disagree or agree with this perspective. Most sex workers rights advocates today would argue that there's nothing inherently wrong with a commercial sexual contract. But feminists from this period, the early 20th century almost universally saw prostitution as fundamentally immoral and bad for society. I'm not going to say where I stand. I point this out because I think that these early feminist campaigners can teach us or perhaps more importantly, teach sex work exclusionary radical feminists, a lesson about how it is possible to be morally and ethically opposed to prostitution, and yet also support the rights of people who are engaged in sexual labour.

It's possible to wish for prostitution to be eradicated and still see decriminalisation as the only ethical response to the problem. These early feminists saw prostitution as a symptom of a wider problem, not the problem itself. And they understood that recognising something as work, i.e. sex work was not to claim that it was inherently empowering, but to recognise that it was part of an economic system where women do all sorts of body and care work that exploits them. And so, I want to finish with that message to the so-called feminists in the present day who seek to exclude sex workers from the table – swerfs, to use a common abbreviation - often reached into the past and point to people like Josephine Butler and other early feminists as their intellectual and moral inheritance. Sort of say, like, look, we're looking back, and we're inspired by these women who led campaigns against prostitution. And they accuse sex workers rights advocates of being part of a new wave of woke or post-feminist politics. But as I hope I have clearly shown the decriminalisation movement has a deep and important history, and early feminists actually formed a coalition in the early 20th century to fight for decriminalisation. And the campaign for the human and civil rights of sex workers is a fundamental part of feminism's past, and anyone who claims otherwise doesn't know their history. I'll stop there, and hopefully we'll have some time for questions.

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