

Opposition to the Contagious Diseases Acts, 1864-1886

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Between 1864 and 1869, four laws, known as the Contagious Diseases Acts, were passed by the British Parliament in an attempt to reduce venereal disease in the armed services. These Acts, which applied to certain military stations, garrison, and seaport towns, gave a police officer authority to arrest any woman found within the specified areas whom he considered to be a prostitute.¹ The woman in question was then brought before a magistrate who, if he agreed with the arresting officer, would order her to register and submit to a medical examination. If found to be suffering from venereal disease, she was sent to a hospital where she could be detained for three months or longer, at the discretion of the physician in charge. If she refused to submit to the examination or to enter the hospital, she could be imprisoned with or without hard labor.²

This legislation was enacted at the urging of officials in the War Office and the Admiralty who believed that the efficiency of the army and navy was being dangerously impaired because of the high incidence of venereal disease. Ultimately, they maintained, the security of the nation itself would be jeopardized.

Parliament passed these laws very quietly, and the press referred to them only briefly, ostensibly because the subject was not considered seemly for public discussion. Little by little, however, English men and women became aware of this legislation, and with awareness came criticism. "By 1869, a formidable opposition had arisen,"³ and

¹The 1866 Act, which repealed that of 1864, incorporated most of the provisions of the earlier Act, and included a number of additions. The most significant addition was that which made periodical examination of all prostitutes within specified areas obligatory. The 1868 Act merely changed a number of technical details of the previous laws. The 1869 Act extended the number of military stations, garrison and seaport towns from 11 to 18 and enlarged the area around the subjected stations, in which a woman could be arrested, from 5 to 15 miles.

²Great Britain, *Parliamentary Papers* (Commons), vol. XIX (1871). "Report of Royal Commission Appointed to Inquire into the Administration and Operation of the Contagious Diseases Acts," p. 3. The Report of this Commission contains an excellent summary of the chief features of the Acts.

³*Ibid.*, p. 5.

as a result; two commissions were established to inquire into the Administration and Operation of the Contagious Diseases Acts: A Royal Commission in 1870, and a Select Committee of the House of Commons in 1879. The former heard testimony from eighty witnesses and met for forty-five days; the latter heard testimony from seventy-one witnesses over a three-year period and met for sixty-eight days. In addition, parliamentary debates on the Contagious Diseases Acts took place in 1870, 1873, 1875, 1876, 1883, and 1886. By 1883 it had become clear that the Acts were so abhorrent to many English men and women that parliament deleted the most controversial aspect of the laws, that which made obligatory periodical medical examination. The Acts were fully repealed in 1886.

This essay will attempt to explain the reasons for the bitter opposition to the Contagious Diseases Acts and to show how those opposed succeeded in bringing about repeal. Through an examination of their arguments and the counter-arguments of supporters of the Acts, one more clearly understands why repeal was so difficult to achieve, for attitudes on both sides were deeply entrenched. Although this study provides considerable insight into the social conditions of the nineteenth-century England, its overriding significance lies in what it tells about the woman's emancipation effort. No aspect of the woman's movement is more poignant, or more clearly reveals how deeply women felt, about the unequal treatment which they were accorded than their struggle to secure for prostitutes their constitutional rights. Without the dedicated effort of a group of courageous women, it is doubtful that the Contagious Diseases Acts would have been repealed—at least not in the nineteenth century.

Opposition to the Contagious Diseases Acts appeared both within and outside Parliament. In the early 1870s, William Fowler, Liberal MP for Cambridge, led the fight in the House of Commons. When Fowler was defeated in 1874, James Stansfeld, a Liberal representing Halifax, and a former Cabinet Minister, became leader of the forces working for repeal. Stansfeld, who was to devote the next twelve years of his life to this cause, was adamantly opposed to the Acts because he considered that, by implication at least, they legalized prostitution. But he realized that the moral argument alone would be insufficient to bring about repeal, and therefore "make it his task to show that the apparently impressive figures of reduction of disease due to the Acts were in reality worthless."⁴ Supporters found him to be a powerful foe.

⁴J.L. and Barbara Hammond, *James Stansfeld, A Victorian Champion of Sex Equality* (New York and London, 1932), p. 190.

Outside Parliament, the opposition to the Acts was led by Josephine Butler. Mrs. Butler, whose maiden name was Grey, had been brought up in a nonconformist family and her forbears had been supporters of such radical causes as the anti-slavery movement. In the 1860s, she had become deeply interested in the effort to gain higher education for women and had worked closely with Anne J. Clough⁵ to establish university extension courses for women. Josephine Butler might well have become leader of the higher education effort had her conscience not made her feel that she must dedicate her entire time and energy to repeal of the Contagious Diseases Acts. She had observed the treatment of prostitutes on the continent and considered that legislation in effect there had been disastrous for them; she believed that the Contagious Diseases Acts were equally harmful.⁶ Year after year, Mrs. Butler gave speeches, wrote letters, and helped to organize the opposition in an endeavor to arouse the English public to the dangers of these laws. In this effort, she had the full support of her husband, George Butler, principal of Liverpool College.

In 1869, two organizations were formed for the express purpose of opposing the legislation: The National Association for Repeal of the Contagious Diseases Acts, and the Ladies' National Association for Repeal of the Acts. The former included businessmen, lawyers, clergymen, and a number of Members of Parliament. The Ladies' National Association included many well-known women; Josephine Butler was Secretary and Mrs. Jacob Bright, wife of the Liberal Member of Parliament for Manchester, was Treasurer. The opposition also made itself felt within the Social Science Congress;⁷ at its 1869 meeting, Dr. Charles Bell Taylor, a Nottingham oculist, read a paper setting forth the reasons why he opposed the Acts and a lively discussion ensued.⁸

One of the strongest arguments of those opposed was that the Acts were unconstitutional because they violated the basic liberties of

⁵Anne J. Clough is probably best known for her establishment of Newnham College, Cambridge University, the second oldest college for women in England.

⁶*P. P. (Commons)*, vol. IX (1882), "Report of the Select Committee Appointed to Inquire into the Administration, Operation and Effect of the Contagious Diseases Acts, Minutes of Evidence Presented to the Committee," p. 230.

⁷The National Association for the Promotion of Social Science was founded in 1857 and for nearly thirty years, in its annual congresses and weekly meetings, emphasized the importance of a study of the social sciences. Its membership numbered many of the leading jurists and most of the academic economists of the day. The papers at the annual meetings contained valuable material on the social conditions of Great Britain at the time. *Encyclopedia of the Social Sciences* (1933), I: 244.

⁸*The Times*, October 5, 1869.

English women. Josephine Butler contended that the provisions of the Acts which permitted women to be arrested and committed to a hospital for several months were contrary to Articles 39 and 40 of the Magna Carta which stated that no freeman could be denied his freedom without a trial by his peers.⁹ She was especially opposed to the provision requiring prostitutes to undergo compulsory medical examinations because she considered this provision an infraction of liberty, and the examination demeaning. During the 1870 debate, Mr. Fowler supported Mrs. Butler: "It is unconstitutional for women to be arrested upon mere suspicion No proof of prostitution is required and no definition of the word 'prostitute' is given in the Acts."¹⁰ A few weeks later, Mr. Bright criticized the legislation on the same grounds saying that

A voice is heard from the country—a voice which is growing louder every day—asking for a restoration of those safeguards to personal security which have been handed down to us from generation to generation; and which, until now, no government, either Liberal or Tory, has ventured to invade.¹¹

Those opposed also argued that the Acts were unjust in that they were directed against women only. In her testimony before the Royal Commission, Josephine Butler said, "Let your laws be put in force, but let them be for male as well as female."¹² John Stuart Mill made the same point, arguing that the Government had no right to single out one disease and one group of people and force them to undergo treatment.¹³ Several years later, Sir Harcourt Johnstone, Liberal MP for Scarborough, also referred to the discriminatory nature of the laws.

I maintain that this House would not pass an Act that would compel a registration of men, and keep them on the register for a year—an Act that would arrest men coming out of brothels and require from them a voluntary submission, the refusal to sign which would render them liable to punishment. You would find it impossible to apply these Acts to both sexes and therefore I say in common justice equity that they ought to be repealed.¹⁴

In addition to these arguments, opponents of the Acts contended that the legislation was immoral because it condoned prostitution

⁹Josephine Butler, *The Constitution Violated* (Edinburgh, 1871), p. 7; see also Josephine Butler, *Personal Reminiscences of A Great Crusade* (London, 1896), p. 74.

¹⁰Great Britain, *Parliamentary Debates*, (Commons) 3rd Ser. vol. 201 (May 24, 1870): 1316-17.

¹¹*Ibid.*, vol. 203 (July 20, 1870): 580.

¹²*PP*, vol. XIX (1871), *Report of the Royal Commission*, "Minutes of Evidence Presented to the Commission," pp. 533.

¹³*Ibid.*, pp. 818 and 825.

¹⁴*Parl. Deb.*, vol. 225 (June 23, 1875): 361-62.

and made the public believe that prostitution had been legalized. "It is a regulating of vice for the facilitating of its practice," said Josephine Butler. "It is a lowering of the moral standard in the eyes the people. When the moral standard is lowered the practice of vice will be increased."¹⁵ In Parliament, it was asserted that "for the first time in our history prostitution has become a 'legalized institution'—a woman is made a chattel for the use of men."¹⁶

As the years passed, an argument increasingly used by those opposed was that venereal disease was not declining in the armed forces and, as a consequence, the legislation was not accomplishing its aim. During the 1876 debate, Mr. Stansfeld stated that there had been a large increase of the less serious forms of disease in the navy, but no diminution of them in the army.¹⁷ He returned to this subject in 1883, pointing out that the Army Medical Report of 1880 showed that there had been a very great increase in the amount of venereal disease in 1880 compared to that in 1879.¹⁸ Why had the legislation not been more successful? Dr. John Nevins¹⁹ and Professor Henry Lee, two doctors who had made a study of venereal disease testified that no reduction in the number of cases could be expected under a system which examined women only.²⁰ Another specialist Dr. Charles Routh, stated that it was very difficult to ascertain, by means of a medical examination, that a woman was suffering from venereal disease; she might be certified as being free of disease when, in fact, she was still contagious.²¹ Both Dr. Routh and Professor Lee considered that the legislation was actually contributing to disease by making men think that they were safe when often they were not.²² Routh also noted that "wherever severity is carried on upon women that are registered, it leads to their number diminishing and to the in-

¹⁵*P. P.*, vol. XIX (1871), *Report of the Royal Commission*, "Minutes of Evidence . . .," p. 528.

¹⁶*Parl. Deb.*, vol. 201 (May 24, 1870): 1322.

¹⁷*Ibid.* (July 19, 1876): 1584-1585.

¹⁸*Ibid.* (April 20, 1883): 761; see also *P. P.*, vol. VIII (1881), *Report of the Select Committee*, "Minutes of Evidence . . .," Vol. VIII, pp. 207-10.

¹⁹Dr. Nevins had been a supporter of the Acts, but after reading the Report of the Royal Commission changed his mind and in 1874 sent a statement to the Home Secretary opposing them. See *P. P.*, vol. VIII (1880), *Report of Select Committee*, "Minutes of Evidence . . .," p. 289.

²⁰*P. P.*, vol. VIII (1881), *Report of the Select Committee*, "Minutes of Evidence . . .," p. 250; also vol. VIII (1880), p. 306.

²¹*Ibid.*, vol. XIX, (1871), *Report of the Royal Commission*, "Minutes of Evidence . . .," pp. 724-725.

²²*Ibid.*; vol. VIII (1881), *Report of the Select Committee*, "Minutes of Evidence . . .," pp. 216 and 250.

crease of clandestine prostitution.”²³ Non-registered women were considered partially responsible for the augmentation in both the incidence and the intensity of disease.

Opponents firmly believed that the Contagious Diseases Acts would not have been enacted had the British public been fully aware of their provisions. Mr. Bright declared that the Acts had passed the House of Commons in a very stealthy way: “they have been brought forward either late at night or late in the Session, and every effort has been made to stifle discussion.”²⁴ Those opposed also asserted that the press had not clearly informed the reading public of the controversial aspects of the legislation. In moving to repeal the Acts, Sir Harcourt Johnstone claimed that “opponents of the Acts have been disadvantaged for the Metropolitan press has not come to their aid.”²⁵ *The Times*, for example, in a leading article, supported the first Contagious Diseases Act and at least six other “leaders” favorable to the laws appeared during the next nine years.²⁶ But *The Times* gave much less space to the views of those opposed.

It is obvious that there was strong opposition to the Contagious Diseases Acts, but the legislation also had many supporters. Those in favor argued that opponents of the Acts were placing undue emphasis on the treatment accorded a small group of women. It was unfortunate, they conceded, if these women suffered any infringement of their basic rights, but supporters of the laws believed that such a result had to be balanced against the necessity of maintaining the army and navy in the highest possible state of efficiency. Thus, it was essential to take every feasible measure to decrease the incidence of venereal disease in the armed forces.²⁷ They had little sympathy for Josephine Butler’s contention that innocent women had been arrested as a result of these laws, claiming that no definite proof existed that such a case had occurred.²⁸ There was no conclusive evidence, although more than one case appeared suspicious.²⁹ Those in favor of the legislation also were angered when opponents called the Contagious Diseases Acts immoral. On the contrary, said supporters,

²³Ibid., p. 210.

²⁴*Parl. Deb.*, vol. 203 (July 20, 1870): 574.

²⁵Ibid., vol. 230 (July 19, 1876): 1556.

²⁶*The Times*, July 23, 1864. Other leading articles appeared on May 25, 1870, July 21, 1870, July 20 and 22, 1871, February 15, 1872, May 22, 1873.

²⁷Ibid. July 21, 1870.

²⁸Ibid., May 25, 1870.

²⁹In 1882, the Select Committee heard testimony concerning the cases of Elizabeth Jane Southey and Caroline Wybrow, but because there was no convincing evidence, the Committee reached no conclusion concerning either case.

the legislation had deterred the demoralization of young girls by making them fearful of the consequences of prostitution.³⁰

Furthermore, those who believed that the laws should remain on the statute books refused to concede that they were not attaining their aim. Supporters of the legislation asserted that venereal disease was indeed decreasing at the garrison and seaport towns where the Acts were being well enforced,³¹ and contended that opponents had used carefully selected statistics in order to substantiate their view.³² Those in favor also emphasized that venereal disease in the army and navy was costing the British taxpayer dearly, pointing out that this fact alone was sufficient reason for maintaining the Acts. Finally, they argued that those not held accountable for the effectiveness of the armed forces should not be critical of the government's policy. "Why not leave alone what others must handle and themselves need not even know about?" asked *The Times*.³³

Given the strong support which the Contagious Diseases Acts enjoyed,³⁴ it may seem surprising that repeal was achieved. The persistence, ability, and in some cases, prominence of the advocates of repeal, doubtless helped to convert others to their views. Jacob Bright, William Fowler, Harcourt Johnstone, and James Stansfeld have been mentioned as opponents in the House of Commons. Other well-known Members of Parliament who came out in favor of repeal included Duncan McLaren who represented Edinburgh, Anthony Mundella, Radical for Sheffield, George Shaw-Lefevre, Liberal for Reading, and John Morley, Liberal for Newcastle-on-Tyne commencing with 1883. Although more Liberals than Conservatives were to be found in the ranks of the opposition, the controversy cut across party lines.

Outside Parliament, the opposition included influential women such as Mary Carpenter, the educator and philanthropist, Elizabeth Blackwell, one of the first women to practice medicine in England, Harriet Martineau, well known for her articles on political economy, and Florence Nightingale. The cause championed by Josephine Butler and her supporters also was defended by John Stuart Mill, John

³⁰*The Times*, May 25, 1870.

³¹*P. P.*, vol. XIX (1871), *Report of Royal Commission*, p. 11; *The Saturday Review*, 27 (March 6, 1869), 310.

³²*The Times*, July 2, 1870.

³³*Ibid.*

³⁴In addition to *The Times*, the *Pall Mall Gazette*, the *Saturday Review* and the *Lancet*, journal of the British Medical Association, strongly supported the Contagious Diseases Acts.

Chapman, editor of the *Westminster Review*,³⁵ a number of lawyers, and an increasingly large number of clergymen. In the early years of opposition, support came primarily from the non-conformist churches, especially from the Quakers and the Methodists, but in 1873 approximately two thousand Anglican clergy were said to have signed a petition urging Parliament to repeal the Acts,³⁶ and by the late 1870s. Cardinal Newman as well as Dr. E. B. Pusey, leader of the Oxford Movement, had joined the cause. Especially helpful to those pressing for repeal was the testimony given by several physicians who opposed the Contagious Diseases Acts. It has been noted that doctors who were opposed considered that the Acts were not bringing about a decrease in venereal disease in the army and navy. The practical nature of their argument coupled with the prestige enjoyed by the medical profession probably influenced some Englishmen who might not have been persuaded by the constitutional or moral arguments.

Many working men also were opposed to the Contagious Disease Acts, and in 1872 they sent a delegation to meet with the Home Secretary, urging him to speak out in favor of repeal.³⁷ These men were deeply disturbed because they felt that it was women of their own class who might be arrested, since it was they who often had to be on the streets late in the evening going to or from work.³⁸ A resolution of the Workingmen's National League is evidence of their views:

This meeting considers that the Contagious Diseases Acts relating to women are a cruel and shameful evil and an injustice to working women . . . by placing their reputations and their persons at the mercy of an irresponsible secret police, they are a violation of the principles of our laws which require the accuser to prove his charge before the accused is called upon to prove her innocence . . . Nothing short of their immediate and total repeal will suffice to allay the widespread and increasing indignation with which they are regarded by the working classes.³⁹

³⁵In the April 1870 issue of the *Westminster Review*, there appeared an article entitled "Prostitution: How to Deal with It. The Contagious Diseases Acts, 1866 and 1869" which argued strongly in favor of repeal.

³⁶*P. P.*, vol. IX (1882), *Report of the Select Committee*, "Minutes of Evidence . . .," p. 232.

³⁷*The Times*, August 3, 1872. Responsibility for administration of the Acts had been transferred from the War Office and the Admiralty to the Home Department following a recommendation to this effect made by the Royal Commission in 1871.

³⁸In a statement made to the Royal Commission, Josephine Butler made it clear that she, too, felt that the Acts discriminated against women of the lower classes. *P. P.*, vol. XIX (1871), *Report of the Royal Commission*, "Minutes of Evidence . . .," p. 532.

³⁹Quoted in *The Times*, January 15, 1880.

At this meeting men were asked not to vote for any candidate who did not promise to support repeal.⁴⁰

In addition to increasing support, the opposition benefited from the greater publicity that it received as the years wore on. On December 31, 1869, a statement protesting the Acts appeared in the *Daily News*. Sponsored by the Ladies' National Association for Repeal of the Acts, and signed by 128 women, it charged that the Contagious Diseases Acts had been passed not only without the knowledge of the country, but, in large measure, also without any clear understanding by most Members of Parliament of their implications; that they removed every guarantee of personal security and put women in the power of the police; that they punished the victims of vice, but left unpunished those who were the main cause; that by such a system the path of evil was made more easy . . . to the whole of the youth of England, inasmuch as a moral restraint was withdrawn the moment the State recognized and provided convenience for the practice of a vice; and that the disease which these Acts sought to remove had never been removed by any such legislation.⁴¹ It is likely that many English men and women read the "Women's Protest," as it came to be called, for the *Daily News* had a circulation of about 150,000 at this time.⁴² Josephine Butler claimed that two thousand signatures were obtained in support of this statement, and that one Member of the House of Commons told her that "your Manifesto has shaken us very badly."⁴³

Commencing with 1870, the opposition also had the support of a periodical entitled the *Shield* whose aim was to place the views of those opposed before the public. Sponsored by the National Association to Repeal the Acts, the *Shield* continued its attack until the legislation was removed from the statute books.

Gradually, even *The Times* gave greater coverage to speeches and meetings of the opposition. For example, on March 10, 1870, it summarized a speech which Josephine Butler had given in Birmingham; on March 30, 1870, at the request of the Ladies' National Association, it published the names of men and women who supported repeal; on October 16, 1874, it carried the first complete speech by James Stansfeld in opposition to the Acts. Moreover, during the 1870s and 1880s, *The Times* gave a report of all parliamentary debates concerned with this legislation; in 1870, when the paper

⁴⁰Ibid.

⁴¹*Daily News*, December 31, 1869.

⁴²Richard D. Altick, *The English Common Reader* (Chicago, 1957), p. 355.

⁴³Butler, *Personal Reminiscences*, p. 20.

was unable to give a full report because the debate was held behind closed doors, it gave a summary.⁴⁴ Although those opposed still were not receiving the amount or kind of publicity they would have liked to have had, readers of *The Times* from 1870 on had considerably more information at their disposal than when the legislation first went into effect.

Indirectly, at least, the report of the Royal Commission also benefitted the opposition. The majority of commission members agreed with supporters of the legislation that "since the Acts came into operation there has been a marked diminution in the more serious forms of venereal disease, the number of prostitutes . . . and the number of brothels have been reduced [and] public solicitation has declined."⁴⁵ But the majority aligned with opponents of the Acts on the moral issue. "Can the system be maintained in the face of objections, which, on moral grounds have been raised against it?" they asked. "Prostitution may be said to be tolerated by the law, because it is not an offense punished by the law," they added, "but toleration is a negative quality and the bound of toleration is overstepped when the law interferes to place prostitutes under regulation with the avowed object of protecting those who consort with them from the dangerous consequences to which illicit commerce is liable."⁴⁶ Therefore, the majority of the Commissioners recommended that the section of the legislation requiring periodical examination of all prostitutes in areas subject to the Acts be abolished.⁴⁷ In a leading article, *The Times* stated that "what bothered the Royal Commission was the outrage inflicted on public morality by what is called the State's recognition of vice and the infraction of constitutional liberty by arrest of street walkers on suspicion."⁴⁸

Those opposed were deeply disappointed when the Government did not follow the commission's recommendation, but the fact that the majority of the commission's members had voted against maintaining the compulsory medical examination bolstered the opposition's cause, for their vote raised serious doubts in the minds of some English men and women concerning the advisability of these

⁴⁴Just prior to the 1870 Debate, the House of Commons passed a resolution ordering all visitors' galleries to be closed because many Members of Parliament did not consider the Contagious Diseases Acts a subject suitable for discussion in the presence of women.

⁴⁵*P. P.*, vol. XIX (1871), *Report of the Royal Commission*, p. 11.

⁴⁶*Ibid.*, p. 14.

⁴⁷*Ibid.*, p. 19.

⁴⁸*The Times*, July 20, 1871.

laws. Three members of the commission, F. D. Maurice, Charles Buxton, and Holmes Coote, all former supporters of the Acts, became opponents. The Reverend Mr. Maurice, an Anglican Minister, was well known for his efforts to improve women's education, Mr. Buxton, a Member of Parliament, had been Vice President of the Association which supported the Acts, and Mr. Coote was a surgeon "who had been so impressed by the evidence given before the Commission that he became a member of the National Association for Repeal of the Acts."⁴⁹

The large number of petitions which the opposition circulated and presented to Parliament also helped to further their cause and make it better known. In 1882, the Select Committee on Petitions of the House of Commons reported that the number of petitions concerning the Contagious Diseases Acts presented to the House since 1870 was as follows:⁵⁰

Year	Number of Petitions	Signatures
1870	822	490,577
1871	455	406,156
1872	620	300,509
1873	1,837	218,410
1874	139	22,418
1875	2,621	209,341
1876	1,657	112,000
1877	156	20,880
1878	917	144,432
1879	454	39,681
1880	297	18,774
1881	340	32,226
Totals	10,315	2,015,404

Forty-five petitions were opposed to repeal, but these contained only 3,579 signatures. It is worth noting, however, that twenty-eight of the forty-five came from areas subject to the Acts.⁵¹ This fact, of course, provided ammunition for supporters of the legislation.

In addition to greater publicity, better organization aided the opposition. By the end of 1875, there were some dozen different societies in the United Kingdom working to defeat the Contagious Diseases Acts, and groups supporting them existed in many cities and

⁴⁹*P. P.*, vol. VIII (1881), *Report of the Select Committee*, "Minutes of Evidence . . .," p. 225.

⁵⁰*Ibid.*, vol. IX (1882), *Report of the Select Committee*, p. 595, Appendix 23.

⁵¹*Ibid.*, p. 597.

towns. These societies included both the National Association and the Ladies' National Association for Repeal, a National Medical Association for Repeal, and a Workingmen's League for Repeal. Efficient organization combined with concerted effort helped the opposition to defeat some Parliamentary candidates in favor of the Acts. Their first success came in 1870 when they defeated Sir Henry Storks, Liberal candidate for Colchester, who was a strong supporter of the legislation.

Progress that the woman's movement was making on other fronts also undoubtedly helped to bring about a change of attitude toward the Acts. By 1880, women had been admitted to Oxford and Cambridge; they were entering the fields of business and medicine and demanding the right to vote; legislation permitting married women to own property had been passed; and divorce had become slightly easier for a woman to obtain. Some women who were active in the suffrage and higher education efforts, however, did not wish to be associated with the movement to oppose the Contagious Diseases Acts. They felt that such association might harm their own goals because many English men and women found the question of prostitution repugnant.

In spite of the increasing strength of opposition, considerable support for the Contagious Diseases Acts continued throughout the 1870s and early 1880s. In 1882, the Majority Report issued by the Select Committee of the House of Commons recommended that they be continued, those signing stating that "the Acts have successfully served the two objects to which they were directed—the diminution of venereal disease and the increased efficiency of the army."⁵² This recommendation raised the spirits of supporters of the legislation, but their elation was to be short-lived.

On April 20, 1883, Mr. Stansfeld gave a long and impassioned speech to the House of Commons in which he reviewed the reasons for opposition to the Contagious Diseases Acts. Contrary to the statement made in the Majority Report, he asserted, the Acts had not accomplished their aim of reducing venereal disease in the army and navy, he cited figures from medical reports of the two services to substantiate his point. He argued further that this legislation was immoral and that it was "opposed to the deepest convictions of a large proportion of the most earnest and most active supporters of the pre-

⁵²Ibid., p. xviii.

sent government.”⁵³ When he moved that the House abolish that section of the legislation most bitterly opposed—the requirement that all prostitutes in areas subject to the Acts undergo periodical medical examinations—he was supported by a vote of 182-110. As a result of this vote it was generally agreed that the Contagious Diseases Acts had lost their effectiveness. “As compulsory examinations and compulsory detention are the most important hygienic provisions in the Acts,” said the *Lancet*, “a partial repeal by striking out these clauses practically renders them useless for detection of disease and prevention of its spread.”⁵⁴

That opinion with respect to these laws had changed was evident not only from the vote in Parliament but from a leading article in *The Times*.

Those who have read the able report of the Select Committee will probably regret the decision so far as sanitary results of the Acts are concerned. Upon the wider moral consideration by which the question is surrounded, there is much to be said on the one side and the other. The opinions of leading men are greatly divided, and probably the prevailing feeling at the results of last night's debate will be one of contentment that it has no doubt brought to an end the public discussion of a question that is repulsive in its aspect and never likely to admit of a logical or satisfactory solution.⁵⁵

Three years after Parliament struck down the most controversial aspect of the Contagious Diseases Acts, a Liberal Government came out in favor of complete repeal. In the House of Commons, Mr. Stansfeld said that “there were only two principles between which Parliament must take its choice—the principle of freedom, and the principle of the Acts, which was that of compulsion.”⁵⁶ Mr. Campbell-Bannerman, Secretary of State for War, added that “the main fact before [the House] was this—that the country had pronounced against state interference in the matter.”⁵⁷ When Mr. Stansfeld called for repeal, his motion passed by a majority of 114 votes. In the House of Lords, the Under Secretary of State for War, Lord Sandhurst, made it clear that he, too, was in favor of bringing an end to the Acts, saying that “he did not see how Her Majesty's Government could propose and advance legislation in regard to which the

⁵³*Parl. Deb.*, vol. 278 (April 20, 1883), 753-61, 762-69, 773-74. Mr. Stansfeld had been a member of the Select Committee, but had signed the Minority Report. The two reports were antagonistic in almost every respect, reflecting the great differences of opinion within the Committee, as well as in the country at large.

⁵⁴*Lancet*, I: (April 28, 1883), 745.

⁵⁵*The Times*, April 21, 1883.

⁵⁶*Parl. Deb.*, vol. 303 (March 16, 1886): 983.

⁵⁷*Ibid.*, p. 987.

bulk of the community was strongly opposed and which on many grounds presented itself as abhorrent to one's feelings and subversive of one of the first principles of our Constitution"⁵⁴

The final vote in favor of repeal took place in the House of Commons on April 2; the House of Lords concurred on April 13. On April 16, 1886, twenty-two years after the first Contagious Diseases Act was passed, the Queen gave the royal assent, bringing to an end this legislation which had so bitterly divided Englishmen.

Repeal of the Contagious Diseases Acts was a victory for a group of dedicated women, and for the men who supported them. Their success proved that persistent, intelligent effort combined with effective publicity and good organization could bring about a change in public attitudes toward a law. Supporters of the Acts were as sincere in their views as were opponents of the legislation, both sides believing that great human causes were involved. But in the final analysis, those who wanted to maintain the Acts were defeated because a system, which they believed to be essential to the public health, was considered by many Englishmen unjust, unconstitutional, and immoral.

Revocation of the Contagious Diseases Acts not only assured women at the lowest rung of society that their constitutional rights would be upheld, but it was also a landmark in the woman's emancipation effort, for repeal signified that attitudes toward women were changing. "The most important events in history," it has been said, "are those that alter the outlook of an age."⁵⁵ This is what Josephine Butler, James Stansfeld, and their supporters achieved.

⁵⁴*Parl. Deb.*, (Lords), vol. 304 (April 9, 1886): 1153.

⁵⁵J. L. and Barbara Hammond, *James Stansfeld*, p. 144.