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Introduction: Britain and the historical geography of regulationism

The regulation of prostitution was one of the key components in the British imperial state's attempt to manage the sexual lives of its citizens and subjects in the modern era. In parts of Britain and in many of its colonies a series of measures were introduced to try to reorder sexual relations between female prostitutes and their clients. These policies were most clearly elaborated in the second half of the nineteenth century, though they had their origins earlier, and many continued until the early decades of the twentieth. They were not in force everywhere or at the same time, and characteristically appeared in different forms in different places, to different degrees of stringency. Some were codified in 'contagious diseases' statutes or ordinances, explicitly designed to combat the spread of sexually transmitted infection, whilst others remained informal regimes, patchwork and piecemeal combinations of powers, though likewise directed at the control of disease and disorder. By exercising control over prostitutes' lives, their residences, movements and activities, a more regularised and structured market for commercial sex might be produced, one that was more amenable to police and medical supervision. This was the theory.

This book considers the development of these powers, practices and policies, these so-called 'regulationist' attempts to bring prostitution or sex work under the management of central and local authorities. It recognises that the British regulation of prostitution took the form of a series of discrete sites and spaces of power, and argues that these were inseparable from the global reach of the imperial enterprise. Regulation of prostitution was manifested in distinctive landscapes, local geographies of managed sexuality and characteristic micro-tactics of spatial control and surveillance. Beyond this, however, British prostitution regulation partook of the grand strategies of imperial rule and the politics of national self-definition. Not only was the regulation of prostitution a form of local spatial policing of sexuality, it was also inscribed in the geopolitics of the imperial state at the global scale. For all that it took the form of local, situated regimes, often extremely distant and differentiated from each other, this British tradition of regulated sexuality can only be understood fully in relation to the wider imperial network in which the home country and its colonial dependencies were enmeshed.

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This study looks in detail at four key instances of both domestic and colonial forms of prostitution regulation. I want to show in the central chapters of this book how the government of prostitution was worked out as a politics of place – not as the imposition of some abstract disciplinary or regulatory power, but as a localised intervention in the economy of sex, a strategy above all of containment, one that both attended to and was disturbed by the particularities of the places into and onto which it was projected. These four regulationist regimes – in the towns of Liverpool and Cambridge, in the fortress of Gibraltar, and in the colony of Hong Kong – are portrayed here as geographies rather than geometries of power, topographies rather than topologies. Understanding them requires detailed attention to the complexities of the locality, to what Mariana Valverde describes as the 'actually existing, often unsystematic assemblages of technologies and rationalities' comprising the practice of governance; which is also to say, as the geographer Stephen Legg has neatly expressed it, that 'places are the excess of space'. This is an argument about particular regimes of sexual policing. All the same, the specific sites under review here are not intended as isolated examples, as case studies. These instances of regulation are placed in relation to other places and regions, and considered in their regional and political contexts, so that they make claims beyond their local histories and geographies. I want to present them in fact, altogether, as the products of a singular imperial culture, rather than as merely the creations of circumstance and locality. Most importantly, I argue that, whether 'at home' or 'abroad', 'domestic' or 'colonial', for all the very large differences between individual regimes, these measures followed in the end the same logic. They were derived from the same principles and assumptions, the same kinds of biases and blindspots about gender and sexuality, class and race, much the same view of the world. Though hitherto marginalised and misunderstood, not least by the tendency to separate 'metropolitan' from 'colonial' regimes, these projections of power amount to a distinctive and significant imperial enterprise. In attending to the historical geography of a neglected regulationist project, this book aims to contribute to our understanding of one of the distinctive 'rhythms of rule and sexual management' in which the British were engaged during the high imperial era.²

Regulation, regulationism and the modern state

This introductory chapter makes the case for the importance of these British practices, particularly insofar as these are characteristically sidelined next to the

¹ M. Valverde, "Despotism" and ethical liberal governance, *Economy and Society*, 25 (1996), 357–72, p. 358, S. Legg, *Spaces of colonialism: Delhi's urban governmentalities* (Oxford, 2007), p. 16.

² See A. L. Stoler, 'Carnal knowledge and imperial power: gender, race, and morality in colonial Asia', in R. N. Lancaster and M. di Leonardo (eds.), *The gender/sexuality reader: culture, history, political economy* (London, 1997), p. 30.



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more prominent example of France and its legacy to the continent of Europe of a 'French system' of prostitution regulation. I argue that the British tradition of regulationism should be recognised, and reassessed, principally in terms of its military and imperial rationale and in the connections and tensions between the domestic and the colonial spheres. It would be well to begin with a discussion of the nature of *regulationism*, however, and of its history and geography, since this is a necessary preliminary to the argument that the British experience, particularly in its interwoven domestic, colonial and imperial manifestations, has been overlooked. I should note straightaway that this study concerns the 'regulation' of prostitution in both its formal sense and in the looser, more general sense of management. Although it has become common to talk of the regulation of sexuality, and of moral regulation, the term means specific things when used in the context of policing prostitution or sex work. Here, regulation and regulationism refer to the measures introduced at various times, in various places, to control the perceived dangers of uncontrolled female prostitution - principally, public disorder and the propagation of sexually transmitted diseases. Unregulated commercial sexuality seemed to threaten - and this was an incomplete, indiscriminate, illdefined series of fears – to promote public nuisance, to endanger the respectable, to tempt the innocent and waylay the unwary, and to facilitate the spread of venereal infection from the vicious to the virtuous. One characteristic response to these threats has been the attempt to 'regulate' sex work, by bringing it under the supervision of the authorities and their appointed agents. In this way, prostitution might be tolerated but tamed, its worst excesses prevented, its utility to society and the state maximised. Sex might be structured, dangerous sexualities policed. In short, prostitution might be governed.

The essentials of this modern strategy for the policing of commercial sexuality are clear enough. Formally, *regulationism* meant the inscription of known, and thus 'tolerated', prostitutes into a police register, their regular medical inspection for signs of communicable venereal disease, and if necessary their commitment to special 'lock' hospitals or equivalents until such time that they were considered as no longer posing an epidemiological threat. This approach can be summed up as the combination of *identification*, *inspection* and *incarceration*.³ In addition, however, we may specify a small number of practices that have played a role in both pre-modern and modern forms of regulationism, including the explicit licensing of sex workers, the licensing and inspection of brothels and other houses of prostitution in which registered prostitutes were to be restricted, the formal or informal zoning of vice districts, and the formation of a dedicated morals police to enforce the administrative regulations and to repress unregulated prostitution as far as possible. In some countries, such as in much of nineteenth- and early twentieth-century France, more or less the

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³ See L. Bernstein, *Sonia's daughters: prostitutes and their regulation in imperial Russia* (Berkeley, 1995).



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full panoply of regulationist measures was more or less generally installed; in other places, such as the British garrison towns under the Victorian Contagious Diseases Acts, only the more modest agenda was realised. Whether in restricted or extended form, however, these regimes can all fairly be called regulationist.

It is important, however, to go on to insist that there is no absolute boundary between 'regulationist' and 'non-regulationist' systems. An essential part of my argument in this book is that regulationism – particularly British regulationism – has taken many forms, some of them more strict, rigid, official and explicit than others. Regulationism was not wholly distinct, as a science, as a medical project, as a policy and practice; the label of regulationism was instead part of a contested political discourse, denied by some, affirmed by others. This is an index of regulationism's protean qualities, its existence as a palette of tactics and techniques for bringing prostitution under the sway of government. We may at the very least recognise varieties of regulationist practice. My preference here is to define regulationism in a somewhat less formal and restrictive sense, and in the simplest terms as those systems 'which, no matter what the legal framework, effectively tolerate and contain prostitution within limits usually defined by police or other regulatory bodies'. In treating the various policing regimes in the places covered by this book as 'regulationist' in this more expansive definition I want to argue that the geneaological map of British regulationism be extended, and thus the nature and complexity of the British experience of regulation be appreciated as rather deeper and more substantial than is usually allowed.

A further justification is needed when considering the distinctive *modernity* of the nineteenth- and early twentieth-century regulationist regimes that are considered here. Tracing the historical geography of regulationism remains parlous, and always vulnerable to the charge of ahistoricism, particularly where the name and nature of 'prostitution' is debatable, and where concepts of 'sexuality', 'society' and the 'state' may be considered at times blatant anachronisms. Some may worry about *any* attempt at analytical categorisation, preferring to attend to the contours of discourse alone. We can surely take our reservations too far in this regard, however. Whilst, as the medieval historian Ruth Karras observes, we would be ill advised to try to import the preferred contemporary term 'sex work' to the world, say, of the European *meretrices*, she elsewhere equally rightly rejects the *a priori* argument that concepts like 'sexuality' are in similar fashion impossible in the pre-modern world.⁵ By extension, I think, it would be a mistake to insist, again in an *a priori* fashion, that we can trace no connections across cultures and across the centuries, no points of comparison

⁴ F. M. Boyle, S. Glennon, J. M. Najman, et al., The sex industry: a survey of sex workers in Queensland, Australia (Aldershot, 1997), p. 12.

⁵ See R. M. Karras, 'Women's labours: reproduction and sex work in medieval Europe', Journal of Women's History, 15 (2004), 153–8, and R. M. Karras, Sexuality in medieval Europe: doing unto others (London, 2005).



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and classification. In this case, whether or not the nature of 'prostitution' itself is strictly comparable, there are good reasons for thinking that some pre-modern regimes at least share certain significant assumptions, ideological correlates, with the more recent forms of regulationism.

All attempts to manage prostitution are predicated for instance on the belief that it may be neither repressed nor suppressed; the accepted inevitability of commercial sex is assumed in virtually all systems of regulation. So we can find much the same kind of statement about the 'necessity' of prostitution in European antiquity and in the Middle Ages as we find in the most self-consciously enlightened and 'modern' theorists of the nineteenth century onwards. For example, the great French hygienist and the most prominent promoter of modern regulationism, Alexandre Parent-Duchâtelet, famously likened the management of prostitution to the operation of municipal sewers, in a direct and explicit endorsement of the views of St Augustine, St Paul and others. In this view, prostitution was a necessary evil, 'an indispensable excremental phenomenon that protects the social body from disease'.6 The regulation of prostitution could be portrayed accordingly as an unpleasant but necessary civic duty, one that protected societies and communities from worse physical and moral pollution. This view might be elaborated as an endorsement of prostitutes and their work, particularly in the face of fears about sodomy and the other darkly perceived dangers of unlicensed male sexuality. Ideas such as these have their close correlates in more modern times.

These regimes also patently took their cue from common attitudes towards gender and sexuality. Whilst modes of sexual categorisation are clearly not stable, and some have argued that they have changed very abruptly, there are nevertheless deeply embedded ideas and practices surrounding gender roles and what was considered natural and appropriate for men and women.⁷ And, since the putative separation of sex from gender in modern times, debatable in itself, can hardly be found at all in pre-modern societies, persistent ideas about who men and women are necessarily meant persistent ideas about what we would now call, without a great deal of hesitation, 'sexuality'. It would be foolish to generalise too far about all of the ages before the modern, even within the cultures of the West, but we can say without undue hazard that the sexually active single woman was almost always, almost everywhere, regarded with suspicion – typically equated with the 'prostitute', in fact – in a manner that was simply not comparable to the treatment of men. We need to avoid the idea of an eternal double standard, supposedly central to an essentially unchanging patriarchal or phallocentric culture, but women – not just prostitute women – were still far more likely to be the subject

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⁶ A. Corbin, Women for hire: prostitution and sexuality in France after 1850 (Cambridge, MA, 1990), p. 4.

⁷ For transformations in ideas about sex and sexuality, see most famously M. Foucault, The history of sexuality, volume I: an introduction (New York, 1980), and T. Laqueur, Making sex: body and gender from the Greeks to Freud (Cambridge, MA, 1990).



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of control than men. There are also long-term continuities in the treatment and construction of ideas about women and venereal disease, and an inglorious misogynistic tradition in which women themselves were characteristically portrayed as abnormal, deformed or diseased: 'it was taken for granted that women were principally responsible for the spread of disease and that it was by controlling the liberty of such women, by branding them either physically or metaphorically that the disease would cease to be a problem.' Such tenacious ideas about sex and gender thus provided a good part of the justification for the regulation of prostitution. It is hardly surprising that regulationism as a strategy has typically involved the surveillance and supervision of prostitute women, not their clients, nor their male equivalents.

It follows that we should not be too quick to read the advent of modernity as a radical discontinuity. Elements of this culture remained remarkably robust, including variants of this sexual and gender double standard. Even so, recognisably *modern* forms of regulationism in the West, emerging from the later eighteenth and early nineteenth centuries, did exhibit a number of largely new features, which allow us to separate them from the pre-Reformation era of licensed brothels and the last great flowering of regulationist zeal in Europe before the modern age. There are three, interrelated, elements that are particularly worthy of emphasis: the relationship of regulationism to the development of the modern *state*, its recourse to the authority of medical and social *science*, and the role of *war and empire* in promoting regulationist regimes.

We can readily agree, first, on 'the enduring power of the state as the author and executor of regulation', as an historian of prostitution regulation in imperial Russia has it.⁹ But we should go further by insisting on the pre-eminent importance of the modern, reformed and enlightened state rather than, say, its earlier, absolutist counterparts. As Isabel Hull has most systematically demonstrated in a study of the German polities, the modern attempt to regulate prostitution developed alongside a demarcation of state from civil society, achieved in part through the constitution of a rationale of sexual citizenship.¹⁰ This was 'enlightened', but neither 'liberal' nor 'democratic' in the ideological, self-congratulatory sense: rather it translated and transmuted class and gender privileges into a newly rationalised framework for understanding and policing sexual behaviour. It became possible, for instance, to advance the regulation of prostitution as the responsibility of the state precisely because of the dangers that sexuality posed to the newly discovered realm of civil society. We can argue that modern prostitution regulation is a product of this 'enlightened' separation in political terrain of state from society, public from private, male from female.

⁸ M. Spongberg, Feminizing venereal disease: the body of the prostitute in nineteenth-century medical discourse (New York, 1997), p. 1.

⁹ Bernstein, Sonia's daughters, p. 9.

¹⁰ I. V. Hull, Sexuality, state, and civil society in Germany, 1700–1815 (Ithaca, 1996).



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The precise nature of the relationship of prostitution regulation to the constitution of the modern liberal state, with its institutionalisation of rights and freedoms, and its endorsement of a particular norm of sexual citizenship is fraught with controversy. But the historical coincidence between the emergence, or re-emergence, of regulationism and the birth of the modern state remains of the first importance, particularly given the priority of France in its historical geography. The forms of the modern state, as Michel Foucault once commented in an entirely conventional aside, were Napoleonic in origin, and to be considered quite distinct from the police states of absolutist Europe. 11 Modern France has also been described as regulationism's 'home country', and indeed said to have created the 'ideal form' of regulationist regimes.¹² This is certainly a simplification, for brothels in France had long been licensed under the ancien régime, and associated policies extended as late as 1778. The full development of what tellingly became known throughout Europe as the 'French system' of regulated prostitution - reglémentation to give it its technical title - was nevertheless a product of the early nineteenth century, the era of Revolution and reform, the era of Napoleon and of republican imperialism. Having swept away the old regime, the French Revolution promptly dispensed with all of the existing regulations concerning prostitution; but the practice of registering prostitutes and inspecting them for signs of disease was quietly taken up again at the municipal level and in the absence of central direction.¹³ Regulationism continued to prosper from this point on, and, by the early nineteenth century, suspected women in Paris, the heart of the system, were required by a dedicated morals police to attend the Bureau Sanitaire for inspection, and, if found to be in a condition that threatened their clients with infection, consigned to the hospital of Saint-Lazare. It is this 'French system' that became exemplary for regulationist practice worldwide, being spread, copied and adapted in the nineteenth century in the rest of continental Europe, and indeed far beyond. We can find variants in Belgium, Denmark, Italy, Germany, Russia, Portugal, Spain, Sweden and Switzerland, and in Argentina and Mexico, to give just two non-European examples. These regimes form the most striking attempts in the modern era to formally regulate the commerce in sex. There remains some dispute as to the legal basis for these regimes, and their relation to the Code Napoléon, but it is fair to say that a new era for regulated sexuality was established, with the systems of licensed brothels,

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¹¹ M. Foucault, 'Space, knowledge, and power', in P. Rabinow (ed.), *The Foucault reader* (London, 1991), pp. 241–2.

¹² Corbin, Women for hire, p. ix; P. Baldwin, Contagion and the state: 1830–1930 (Cambridge, 1999), p. 369.

¹³ S. P. Conner, 'Politics, prostitution and the pox in Revolutionary Paris, 1789–1799', *Journal of Social History*, 22 (1989), 713–34, and 'Public virtue and public women: prostitution in Revolutionary Paris, 1793–1794', *Eighteenth-Century Studies*, 28 (1994), 221–40.



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the networks of venereal dispensaries, the establishment of *police des moeurs*. The 'French system', with its example to other nations, shows particularly clearly how the regulation of prostitution, along with other attempts to manage sexuality, flourished under the development of modern state forms. In this understanding, France was the originator of a revolution in the policing of sexuality: 'By the middle of the nineteenth century', writes Kristin Luker with pardonable exaggeration, 'virtually all European states had moved the regulation of family life and its alternatives – prostitution, fornication, adultery, and "deviant" sexual practices – out of the control of church courts and under the aegis of secular state control of one kind or another.'¹⁴

The second distinctive element in modern regulationist regimes is their legitimation by modern scientific authority. As Peter Baldwin puts it, 'Regulationists ... regarded their position as the expression of modern, rational, hygienic principles, the application of enlightened public health measures to a devastating scourge.'15 Modern regulationism found its vocation in the struggle to contain the ravages of venereal diseases, and syphilis in particular. By controlling prostitution – that is, by controlling prostitute women – it might be possible to limit the transmission of this uniquely virulent and unpleasant disease. As the etiological understanding of syphilis developed, it became possible to identify periods of greatest contagiousness; and if women in such a condition could be taken out of sexual circulation, then the ravages of venereal disease might be hindered if not entirely halted. The developing authority of medical science has thus been an equally important theme in the emergence of modern regulationist practice. Kathryn Norberg puts it very succinctly: 'The prostitute now belonged to the physicians, and public policy would henceforth treat her as a biological problem ... The foundations of nineteenth-century regulation were in place: mercenary sex had become a medical problem and syphilis an object of state policy.'16

Syphilis had existed for centuries, however, long before the development of nineteenth-century regulationist regimes. The scientific rationale for regulationism cannot be understood with reference to the revolutions in experimental and clinical science alone, nor its history rehearsed simply as a pragmatic medical response to the emergence of a unique epidemiological threat. It is most closely related to the development of sciences of society and statecraft, and in response to the challenges of modern, urban, industrial civilisations. The intellectual and practical lineage for regulationism lies in the successive developments of medical police, state medicine and the public health movement – all related to the

¹⁴ K. Luker, 'Sex, social hygiene, and the state: the double-edged sword of social reform', *Theory and Society*, 27 (1998), 601–34, p. 602.

¹⁵ Baldwin, Contagion and the state, p. 362.

K. Norberg, 'From courtesan to prostitute: mercenary sex and venereal disease, 1730–1802', in L. E. Merians (ed.), The secret malady: venereal disease in eighteenth-century Britain and France (Lexington, 1996), pp. 44–5.



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emergence of the theory and practice of state authority described above.¹⁷ It was not physical disease that was the focus, therefore, so much as the identification of the need for social hygiene. To put it another way, it was necessary for the conception and practice of government to be modernised before regulationism could exist. Regulationism, like similar medical projects, is dependent upon the elaboration of a 'biopolitics' in which population, health and productivity are incorporated as key governmental concerns because of their threat to a newly delineated social body.¹⁸

As a policy – rather than as a series of unsystematic and dubiously legal practices – regulation thus required a theory of society and of the role of the state in promoting the health and welfare of the population. It needed a modern rationale, and it arguably found it not in the Napoleonic era but in the early years of the July Monarchy, in the work of the great French theorist of regulationism, Parent-Duchâtelet, whose work has already been noted. Though there had been pioneering analyses in the eighteenth century, it was not until 1836 and the publication of Parent's De la prostitution dans la ville de Paris that a self-consciously scientific case for regulation was made, backed up by statistical analysis, empirical research and the rest of the apparatus of an infant social science.¹⁹ For Parent, as we have seen, prostitution was inevitable, if not quite outside history. It could not be wished away; it needed to be tackled from the point of view of public hygiene rather than be the subject of an empty moralism. Parent's investigations were designed to separate the truth of prostitution from the chaff of prejudice and rhetoric. His is not, however, a study of the market for sex, for male clients are absent from his analysis, and we may cast doubt upon his 'scientific' objectivity; his work is better seen as a taxonomy and anthropology of the female prostitute. By studying the records of thousands of women registered with the French police, and supplementing this with interviews and personal observation, Parent concluded to his satisfaction that prostitutes were a class apart. His is a collective portrait of women 'differing as much in their morals, their tastes, and their habits from the society of their compatriots, as the latter differ from the nations of another hemisphere'.20 At the same time, however, these women are shown to have emerged from the world of deracinated workingwomen, femmes isolées, all

¹⁷ For medical police, see G. Rosen, *From medical police to social medicine: essays on the history of health care* (New York, 1974); for public health, D. Porter, *Health, civilization and the state: a history of public health from ancient to modern times* (London, 1999), pp. 52–4.

¹⁸ The best discussion of biopolitics is in M. Foucault, 'Society must be defended': lectures at the Collège de France 1975–1976 (New York, 2003), pp. 239–63.

A. J. B. Parent-Duchâtelet, De la prostitution dans la ville de Paris (Paris, 1836). See A. Corbin, Prèsentation, Alexandre Parent-Duchâtelet, La prostitution à Paris au XIXe siècle (Paris, 1981).

²⁰ Quoted in Corbin, Women for hire, p. 5.



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of whom had the potential to become prostitutes, whether by prior disposition or unfortunate circumstance. The problem as Parent posed it was one of the social *environment*, the lack of order, providence and discipline that it passed on to the female working poor. These are presented, as Joan Scott puts it, as 'lives lived outside regulated contexts': 'Femmes isolées represented the domain of poverty, a world of turbulent sexuality, subversive independence, and dangerous insubordination.'²¹

It followed, in the tidy logic of regulationism, that the solution to prostitution is as profoundly spatial as is the problem. If the latter is posed as that of unrestricted, unregulated sexuality, the answer is the installation of discipline and regulation through the means of enclosure and surveillance. The wider theme of moral regulation also directs prostitution towards spaces of confinement and discipline, typically by limiting commercial sexuality to specific, usually marginal, sites. Yet this kind of moral policing reaches its most explicit form in regulationist regimes, where the principles of enclosure and containment are most carefully elaborated. Alain Corbin, in describing the nineteenth-century French system, argues that 'The first task of regulation is to bring the prostitute out of the foul darkness and rescue her from the clandestine swarming of vice, in order to drive her back into an enclosed space, under the purifying light of power.'22 The female prostitute must be made visible to the authorities, if at the same time kept hidden from respectable society. She must be removed from the threateningly opaque milieux of the working classes and installed in strictly monitored locales - meaning not just the official brothels but also other disciplinary institutions such as reformatories, hospitals and prisons. In this way, by confronting the problem of the prostitute's social and geographical mobility head on, she could be controlled and disciplined. This injunction to discipline the prostitute only becomes more urgent when responsibility for the transmission of venereal diseases was added to the list of her crimes, her capacity for moral contagion complemented by the physical threat of syphilis and the other venereals.

Thus the concern for social order may be ultimately restated as one for social hygiene, and a prophylactic quarantine added to the older strategies of combating disorder. There are ready associations here for the social and critical theorist of modernity. In a Weberian sense, it is certainly possible to suggest that this kind of regulation of commercial sexuality, in ambition and practice, exemplifies 'the tendency for ever larger spheres of social life and institutions to be brought under a unified and coherent system of rationalization and administration'.²³ Most

²¹ J. W. Scott, Gender and the politics of history, revised edition (New York, 1999), p. 147.

²² A. Corbin, 'Commercial sexuality in nineteenth-century France: a system of images and regulations', *Representations*, 14 (1986), 209–19, p. 215.

²³ R. Cooter and S. Sturdy, 'Of war, medicine and modernity: introduction', in R. Cooter, M. Harrison and S. Sturdy (eds.), *War, medicine and modernity* (Stroud, 1998), p. 6.