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Interrogating the Idea of "Reform" in William Acton's *Prostitution Considered*

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Abstract
This paper interrogates the idea of reform in William Acton's Prostitution Considered in its Moral, Social and Sanitary Aspects (1869), in the context of the Contagious Diseases Acts passed in England. While the prostitute becomes a site onto which multiple anxieties are plotted, at the same time reform becomes a vehicle for a variety of agendas-- economic, social and political. The medical text then is not just about contagion or disease but rather the social reform of the prostitute herself who is a mobile conduit for passing on disease. This paper has looked at the intersection between medicine and social reform—and how this intersection in turn becomes a potent place for hoisiting Victorian morals.

Keywords: Victorian, contagion, disease, social reform, sanitation, William Acton

1. Introduction

Vice does not hide itself, it throngs our streets, *intrudes* into our parks and theatres, and other places of resort, bringing to the foolish temptation...it *invades the very sanctuary of home, destroying conjugal happiness* and blighting the hopes of parents. Nor is it indirectly only that society is injured; we have seen that prostitutes do not, as in generally supposed, die in harness; but that, on the contrary, they for the most part become, sooner or later, with the tarnished bodies and polluted minds, wives and mothers; while among some classes of people the moral sentiment is so depraved, that the woman who lives by the hire of the persons received on almost equal terms to social intercourse. It is clear, then, that though we may call these women outcasts and pariahs, they have a *powerful influence* for evil on all ranks of the community. The *moral injury inflicted* on society by prostitution is incalculable; the physical injury is at least as great...It makes our streets unfit thoroughfares for the modest and the a reproach to us when compared with the decency observable in foreign cities. It exercises an evil influence on the nation at large, depraving the minds and lowering the moral state [1] [Italics mine]

William Acton's Prostitution Considered in its Moral, Social and Sanitary Aspects (1869) works from within the genre of the treatise/report but qualifies the genre itself by producing a discourse that also functions as social commentary. Reform becomes a concept that is central to the text in addressing questions of religion, society and medicine. Reform for Acton then is also a concept that is closely tied to the missionary connotations of Christian proselytization. The supervision of the degenerated moral state of England then is both social and religious: "We start with the conviction that the present state of things in our own land is intolerable, an insult to our civilisation, at least as great as to our Christianity." [2] As a text that precedes the Contagious Diseases Act (CDA) and consolidates it further, "the acts provide a framework for examining some connections between ideology, public policy, and social change." [3]

Although the CDA was aimed mainly at controlling the spread of venereal diseases among "enlisted men in garrison town and ports", it provided the executive body of state with the right to internally "examine" women who could be identified as the "common prostitute." [4] If she was found to be suffering from gonorrhoea or syphilis, she would be "interned in a certified lock hospital...for a period not to exceed nine months." [5] The problem remained with defining a common prostitute, even as Acton in the opening pages of his treatise tries to define one through various sources— "Is there in the law of England no definition of a prostitute?— I think not...What is your definition of prostitute...Must she be making her livelihood by it?" [6] Acton tries to define prostitution in all its aspects— social, economic and moral. Although the answer is not conclusive or definitive, the following reply from Mr. John Simon problematizes this category of the common prostitute further. He says,

I do not see any practical definition of prostitution which could include women wishing to practice clandestinely. How are you to prove clandestine prostitution?...The only kind of prostitution which can be dealt with, I suppose, is prostitution carried on by women who make it *their calling*, and live in gangs in brothels, or who publicly solicit men [7].

The notion of sex as a commodity, as something sold by

[1] Acton, p. 73
[2] Acton p. 99
[3] Walkowitz, p. 1
[4] Ibid pp. 3-4.
[5] Ibid. In a note to Haymarket, Acton extends his analogy of pollution to the female anatomy, and asserts it by quoting Albert Smith: "It is always an offensive place to pass, even in the daytime; but at night it is absolutely hideous, with its sparring snobs, and flashing satins, and sporting gents, and painted cheeks, and bandy-sparkling eyes, and bad tobacco…get anywhere rather than attempt to force your passage through this mass of evil: for it will most probably happen—as if this conglomeration of foul elements was not enough to stop the polluted stream trying to flow on…but I do say that this corner of Haymarket is a cancer in the great heart of the Metropolis…" p. 21.
[6] Acton p. 2
[7] Acton, p. 2

profession, is closely tied to the concept of the economics of its sale. The materiality of this transaction being carried out in the public, is crucial in describing the prostitute as the subject of the practice and as an object/locus of reform. Equally essential is the fact that this capitalisation of sex as commodity is done by a "gang" in a brothel that marks the space of business as an alternative (space of the market) to the norm of productive social space, an anomaly to traditional capitalism.

The attempt to define the prostitute in legal terms is to recognise her, locate her in social spaces, and Acton does this mainly through the (pre)text (of reform). Reform works as a tool of controlling this population of women by fixing them discursively and removing them from the self-allocated space of the public market.

In his work on 'bio-power', Foucault argues that it is at the level of the body that much regulation by the authorities from the nineteenth century onwards is enacted: knowledge is accumulated, populations are observed and surveyed, procedures for investigation and research about the population as a whole and of the body in particular are refined [8].

Hence, in the scheme of regimenting discourse, Acton makes a case for registering prostitutes as a method of this the "ceaseless watchfulness". The moral vice of the clandestine prostitute is implicated because of her elusiveness— that is, the inability to locate her in a single locus as a subject.

Clandestine prostitutes, as we have seen, are those who elude the state regulations, and carry on their trade in defiance of the law...Dr. Jeannel describes the clandestine prostitute as follows; he says 'We may call a woman a clandestine prostitute who lives by her person, and has the address to withdraw herself from special police supervision and periodical examinations' [9].

It is the retreat into this unsolicited privacy, a space that is not discursively the prostitute's domain, (unlike a brothel) that makes it difficult to locate her, or constitute her as the "other Victorian" [10].

Acton points out:

Clandestine prostitution is then *immoderate* vice, producing *without measure* moral and physical deterioration. Registered prostitution is *vice restrained* within the possible— it is public health protected [11]. [Italics mine]

This restraining of vice then is obviously through the site of the prostitute who becomes the embodiment of that vice. The prostitute's refusal to recognise herself as one, by remaining unregistered seems to become a marker of her agency. This Act is interpreted as an aspect of moral degradation so that what is unquantifiable ("without measure") becomes "an immoderate vice". The individual or community— whatever is denied agency in terms of location, is also crucial to the productive effects of certain prohibitions that generate power and truth. The prostitute, either as an individual or a community is then a constructive effect of the institutional practices, giving it the character of "discourse" in turn, writing both the subjects and human objects of knowledge.

In this scheme of things, Acton's report works through the mode of the census, that classifies and categorises from the survey to feed into the know-how (*savoir-faire*) of official governmentality-

Thus, while ostensibly surveys of the population were undertaken by the government to improve the welfare of the population as a whole – for example, eradicating venereal disease and incest among the working classes, they in fact had the effect of tightening the disciplinary regime, so that the population was more strictly controlled [12].

The constant anxiety of the degradation of London as a city, in comparison to capital cities of other countries is not just a localised concern about the city (or its 'metropolitan' image). The regimented "ceaseless watchfulness" over crime and prostitution is a form of discipline that the Parliament as a body legislates over population, and hegemonises the population into, what Foucault calls, self-monitoring. The concept of conscience is a key idea that becomes a form of cultural hegemony through religion and through the particular morality of "ceaseless watchfulness".

Acton states that, "Above all, we must pay to the religious and moral instincts the liveliest deference, being convinced that whatever is really repugnant to this has within it the seeds of evil." [13]. The notion of reform is then qualified by the constant urge to restore to the normative what diverges from the path of this strict moral code, so that the concept of "ceaseless watchfulness" is a metaphor that must apply to both within and without the self and stretch to the social domain of the street as well.

The streets of London for Acton seem to be a source of constant anxiety which threatens to enter the domain of the boudoir. The lodge-house becomes *the other* of the domestic private space, and the streets figure as a space that diverts from the private towards a constant outward gaze, directed at itself, endangering the stability of the domestic—

[T]he immense concourses of marriageable males at the height of their passions, who, from various causes, seek female society more in the streets than in the boudoir, and who are, at the same time, utterly deficient in physic-moral training... [14].

However, Acton also nuances the street as being capable of considerable danger to unsuspecting women who fall prey to this coercive network of "organized progression" of crime that "induce women to go out and persevere in

[8] Mills, p. 83. Bio power is defined as the increasing organisation of population and welfare for the sake of increased force and productivity.

[9] Acton, p. 155

[10] Foucault, "If it was truly necessary to make room for illegitimate sexualities, it was reasoned, let them make their infernal mischief elsewhere: to a place where they could be reintegrated, if not in the circuits of production, at least in those of profit. The brothel and the mental hospital would be those places of tolerance: the prostitute, the client and the pimp, together with the psychiatric and his hysteric--- those "other Victorians"'. p. 4

[11] Acton, p. 159

[12] Mills, pp. 83-4

[13] Acton, p. 100

[14] Acton p. 44

prostitution when otherwise indisposed to so." [15]. It is a dangerous stretch, unguarded by the safety of domestic walls, a space which is unmarked, open and without the paradigms of safety, where naiveté can result in being "seduced, diseased and deserted". In this context Mayhew in 1862, writes, "Every art is practiced, every scheme is devised, to effect this object, and when an innocent child appears in the streets without a protector, she is insidiously watched by one of those merciless wretches and decoyed under some plausible pretext to an abode of infamy and degradation. No sooner is the unsuspecting helpless one within their grasp than, by a preconcerted measure, she becomes a victim to their inhuman designs." [16].

Although the space of the boudoir still occupied the central normative space of chastity, moral well-being, (re)productivity and normative health in the imagination of the Victorian public, it is the space of the chaotic, unruly streets that constitute their central anxiety. Unlike the genre of the domestic novel, where the introspective "I" narrates from a vantage point of having a specialised, thorough knowledge of interiors, Acton's treatise relies on the expert knowledge of the doctor and the reformer, and creates a discourse of governmentality that looks outward from the boudoir into the streets and represents it as dangerous. Unlike the domestic novel which generally has the countryside as its essential setting, Acton's treatise forays into the streets of London, anxious about the dispersive network of prostitution that threatens the apparent serenity of domestic life, which in turn is equated with moral health of the country. As Foucault points out in the History of Sexuality, for the Victorian bourgeoisie the role of sexuality was utilitarian (reproductive) and was located into the sphere of the conjugal and the domestic. Foucault points out that the metaphor of sanitisation compounds sexuality into a single locus and shifts it to that of the domestic bedroom.

While finery was considered a state of moral greed, post reform the costume of the prostitute itself became a ground for constructing notions of decency. This system of evaluation of reform for Acton was found in the visible markers of an apparent moral sanitisation, ironically, in the very aspects of "finery" that were denounced by him—

The good effects of the system inaugurated in this country by the Contagious Diseases Act is apparent even in those women who return to their abandoned ways. They no longer come to the periodical inspections in rags and dirt, but present on these occasions quite an altered appearance...put their dresses otherwise into a decent state...These are miserable women being humanised little by little.

However, it may be argued that Acton perhaps is speaking of a kind of reform marked by that which reconstitutes the prostitute in terms of sartorial licentiousness, a sort of normalising sobriety, that does not make her conspicuous as a prostitute in terms of the physical pointers, but helps her conform towards the normative. However, it is through these precise markers of "finery", that employ her conspicuous physicality to designate her as a prostitute, as Acton clarifies, that "[I]t is more a question as to mannerism than anything else."[17]

The body of the prostitute becomes a site of "petrified unrest" [18], which provides a metaphor for the extremes of death and desire, life and lifelessness. The fact that this community of women offer themselves as bodies for pleasure, as a part of the process of serialised prostitution, facilitates the image of the prostitute as "commodity". Although she is commodified in terms of her potential for pleasure, in a society that judges commodities in terms of utility (including sex as procreative), and sees commodities evaluated on the basis of labour-value, the fact that the "utility" of pleasure is not productive, renders the commodity as useless: "the greatest amount of income procurable with the least amount of exertion." [19]. Although "prostitution", as Acton clarifies at the beginning of his treatise, is defined as "not so much the *receipt of consideration* as *community*," [20]. one cannot but notice that currency is crucial to the operations of a community that is self-sustaining. This unproductive commodity [21] that gains currency in the market is threatening to the Victorian capitalist society, and necessitates a careful exclusion of this community as "other". At the heart of Acton's text, underlies the subtext of a careful bourgeois politics of demand and supply, one that plays by the rule/standards of economic profit. The taboo of prostitution is constructed through an alignment of labour and pleasure in a way which provides an easy way of directly accessing value and profit for that labour. The body being the commodity itself is a complete site both of demand and supply without negotiating intermediaries of labour as sourced from elsewhere— "[B]ut they receive the money they earn, and are not farmed out." [22] It becomes important for Acton to foreground that in most cases, even when married to a respectable class, prostitutes do not bear children. The body of the prostitute becomes a site of unwanted disease, which is attractive on the exterior but is a diseased "mass of syphilis" from the inside; she becomes a "conduit of infection to respectable society", a pollutant in the midst of a "close-packed population" [23] bringing with her pollution both literal and metaphoric. The metaphor of the virus/contagion becomes a threat because of its mobility into spaces, through bodies. The prostitute as a carrier of disease poses a threat through the reactivation of that virus in spaces like the domestic, without being charted, through a chain of infections.

The prostitute's body is delineated in terms of disease, and her genitals are compared to the sewage system, provoking a set of imagery that reactivates the distorted through this binary of the exterior and interior. Her love

[15] Ibid p. 23

[16] Mayhew, accessed on 19th march 2009 http://www.storyoflondon.com/modules.php?op=modload&name=News&file=article&sid=511&mode=thread&order=0&thold=0, accessed on 19th march 2009

[17] Acton p. 2

[18] Benjamin

[19] Acton p. 28

[20] Acton p. 1

[21] This is in terms of Victorian concepts of sexual (re)productivity and labor.

[22] Acton p. 23

[23] Acton p. 2

of finery constitutes her as a "wondrous magnet", and this is seen as a quality that distracts other women (other than attracting the male gaze), where the woman might forget, Acton reminds his audience, that the attractive exterior is condemned as a being of no value, because it is procured through means of degeneration.

For the mechanic and the mechanic's wife have their troubles, and very serious ones, in providing for their daily wants, and any persons connected with them whom they see well-dressed and with money in their pockets command a kind of respect, although the source from whence the means are obtained may be a disreputable one [24]

This space of the "public house carnival" is a social space that disrobes the prostitute from her moral context and upholds her as an object of attraction (owing to the physical markers of finery) where locating and recognising the prostitute as separate from the mechanic's wife can become difficult and problematic at the same time. The growing threat to domesticity as a space is addressed by this attempt at strict spatial regimentation, demarcation between the domestic space and that which belongs to the street, the prostitute and the woman of virtue; but spaces like "music halls and pubs provided a common meeting ground for the prostitutes and their more respectable neighbours" [25], representing for Acton what was a "curious amalgamation- of vice and virtue..." [26] The prostitute constantly figures as a threat mainly through the figure of the street-walker or the common prostitute, rather than other classes of prostitutes, precisely because of her availability as a commodity, and the fact that she can transgress the realm of the private and walk on the streets of London. For Acton then the kept-mistress is more respectable than the street-walker as she is classified under the more "reserved class of prostitutes" because unlike the street-walker or the "prostitute errant", the kept mistress can be metaphorically and literally contained in the realm of the private, owned and kept as a commodity; also because of her inability to access that open market.

The emergence of the Industrial Revolution and the printing press capitalism saw a new manner of consolidation of the subject through discourses of power, and foresaw the eventual rise of nationalism. The social construction of this class of prostitute as a community by Acton, is then perhaps opposed to the "imagined community" [27] of the nation, to this ideological normative class of Victorian bourgeoisie. The prostitute,her body and the image of the prostitute is consolidated through this medium of press capitalism that created discourses. Even as Acton's treatise functions as official statistics that feed into the governmental data, it in turn also determined legislation. However, although Acton classifies prostitutes into categories, it is also a category that depends on the moral relativism of the commentator [28]. This 'sisterhood' of prostitutes, according to Walkowitz expressed group solidarity in a ritualised fashion of protest, such as the "use of charivari against public authorities intent on repressing their trade....(Yet) violent drunken brawls over "pitch" or "territory" were not uncommon." [29]. The apparent solidarity is then also posited as a careful organised network of crime and depravity, that is extremely intrusive in social and domestic spaces, and hence one that posits itself against the imagined community of the reformist nation. This need to reform is borne out also as a result of this ensuing clash of ideologies, between notions of gender, class and civility. The suggestion that this community of women, bound by the commonality of profession is a threat to the well-being of this "imagined community" is also to commodify women through a consolidation of statistical data into forms of knowledge— to create a discourse, both of which arise from the public domain of print culture. Public opinion and its circulation (through newspapers, journals, and treatises) are as closely connected as "politico-statistical" data and legislation. Hence his critique against the legislature's attitude towards prostitution is based on the crucial recognition,

[I]t (law) ignores the existence of prostitution as a system, exerting its authority in those cases only which, by open contempt for order and decency, obtrude into notice and demand repression. Men and women are, in fact, left in this matter to their own consciences... [30].

Acton is aware that for any scheme of legislation to work, the recognition of prostitution as a system is crucial for it to execute reform— "Any scheme of legislation, having for its object the regulation of prostitution, must have for its starting point the recognition of it as a system requiring not repression, but direction." [31]. It is through taking into cognition that prostitution is a social anomaly, a practice that diverges from social norm, that the normative can be enforced. Hence, Acton's treatise builds up a case that seeks to shape public opinion and governmentality towards the subject of prostitution, and although he classifies it, he also standardizes and makes the category of prostitution uniform.

Judith Walkowitz sees this state intervention into regimenting prostitutes as "another important ideological component" that sought to arbitrate the lives of "unrespectable poor", constituting the social "residuum". Nancy Armstrong says, "By the end of the eighteenth century, people thought of society in terms of a class sexuality, for in contrast to both the landed aristocracy with its libertine appetites and the promiscuous mob was the sanctuary of middle-class love." [32]. The constant expression of the internal vapidity of the prostitute is

[24] Acton p. 23
[25] Walkowitz p. 29
[26] Acton p. 23
[27] Anderson. The imagined community is a concept coined by Benedict Anderson which states that a nation is a community socially constructed, which is to say imagined by the people who perceive themselves as part of that group. According to his theory of imagined communities, the main causes of the nationalism are the declining importance of privileged access to particular script languages (such as Latin) because of mass vernacular literacy; the movement to abolish the ideas of rule by divine right and hereditary monarchy; and the emergence of printing press capitalism — all phenomena occurring with the start of the Industrial Revolution.

[28] Here of course, the role of Acton as a doctor and social commentator allows him to consolidate public opinion.
[29] Walkowitz p. 27
[30] Acton p. 77
[31] Acton p. 99
[32] Armstrong and Tennenhouse p. 12

expressed as opposed to her charming exterior, so that her sense of clothing is garishly bawdy— conjuring the ineptitude of social mobility even if through marriage.

Acton's report by working in a form that closely resembles scientific observation which relies on empirical data also intersperses social commentary, anecdotes, and journalistic techniques, which then undercut the notion of a straightforward medical treatise of reform based on scientific inductive knowledge. The genre of the report allows Acton to slip between the role of a doctor, a reformer and a social commentator, and compound them in layers of narrative deduction, in a tone that both apparently resists and feeds into a discourse that preceded his treatise.

However, according to Judith Walkowitz, the subsequent controversy over the Acts also propelled debate and discussion on a wide range of "social, medical and political questions." [33]. The double gaze towards the prostitute representing her as a site of both desire and disease reveals the double standards of sexual morality of Victorian England. In order to define the normative form of sexual activity, the state had to define the norm through its excess in prostitution. But although the Acts created a "technology of power" they also generated a formidable social and political resistance, the acts nonetheless also generated debates where "diverse and competing groups vied with each other for social and political power." [34]. Governmentality acts itself out through the codification of the "behavioural", through techniques and procedures that guide nineteenth century "mannerism". The normative was defined through a set of attitudes, and "habits of mind" towards women that "permeated official Victorian culture." Hence, despite the categories of prostitutes that he defines, the need to regiment them as one community is borne out by what he calls their "remarkable uniformity". Foucault argues that the aims of government in their attempts to control populations and the social sciences in their investigations of population growth and large-scale trends across societies seemed to coalesce [35]. Acton through a tone of didacticism, scientific logic, and persuasive syllogism presents reform as a notion that naturally works through a process of classification, and Acton's treatise partakes and influences towards that process of official knowledge formation, that also invites reform as a social, moral and medical category.

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[33] Walkowitz pp. 2-3
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[35] Foucault, p. 99