Josephine Butler, born 1828
Crusade Against the State Regulation of Vice: Josephine Butler and the Contagious Diseases Acts

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Beginning in 1864, a cloud of injustice in the form of acts against women hovered over the United Kingdom when Parliament passed the Contagious Diseases Acts and continued to refine these Acts until 1869. These Acts were intended to decrease the number of cases of venereal disease in the British army, but only served as unjust and volatile laws against women. In the minds of British politicians, since soldiers were discouraged from marriage and homosexuality, prostitution seemed a necessary evil to soldiers looking for a sexual outlet. Therefore, instead of restricting prostitution or inspecting the soldiers for venereal diseases, the British government created embarrassing and sexist regulations for prostitutes. Perhaps these laws stemmed from the belief that women were the root cause for these diseases, and that prostitutes willing to expose themselves to earn money would not mind being inspected by a doctor. However, a headstrong feminist and dedicated advocate for justice emerged and served as a voice to inspire the British people to fight back against these acts. Josephine Butler, the prominent spokeswoman for the repeal of the Contagious Diseases Acts, toured England speaking out against the acts, wrote to every Member of Parliament, published books and papers against the acts, and formed close bonds with these violated women. She dedicated her life to social reforms, and eventually succeeded in her goal to witness the repeal of the Contagious Diseases Acts. Although faced by a great deal of opposition, Josephine Butler’s upbringing by a judiciously minded father instilled in her a stubbornness and
perseverance for social justice that led her to join the Ladies National Association and become the leading spokeswoman for the successful repeal of the Contagious Diseases Acts through a strategic campaign.

Born on 13 April 1828 as the seventh of ten children to inspiring parents, John and Hannah Grey, Josephine Elizabeth Grey received a thorough education and Christian upbringing. Her father was a wealthy landowner and politically active citizen who held a deep interest in the welfare of his fellow citizens. He was even a cousin to prime minister, Charles Grey (2nd Earl Grey) and kept up a correspondence with Charles that enabled him to stay active in politics. According to Butler’s biography of her father, John worked as an abolitionist, rallied for the Great Reform Bill of 1832 and the repeal of the Corn Laws, and played a significant role in Catholic emancipation. Grey was a Liberal and attempted to bring about change anywhere that he could: “God made him a Liberal, and a Liberal in the true sense he continued to be to the end of his life.” He raised Josephine with religious and moral principles in mind, and she embraced his hatred of injustice and inequality. Butler often described her early memories of her father and emphasized the impact he had upon her ideals and beliefs:

My father was a man with a deeply rooted, fiery hatred of all injustice… My father's connection with the great public movements of the day - the first Reform Bill, the Abolition of the Slave Trade and Slavery, and the Free Trade movement - gave me very early an interest in public questions and in the history of the country. The love of justice was a passion with him. Probably I have inherited this passion. When my father spoke to us, his children, of the great wrong of slavery, I have felt his

powerful frame tremble and his voice would break. He told us sad stories of the hideous wrong inflicted on negro (sic) men and women. I say women, for I think their lot was particularly horrible, for they were almost invariably forced to minister to the worst passions of their masters, or be persecuted and die.³

She further stated that, “in the cause of any maltreated or neglected creature he was uncompromising to the last, and when brought into opposition with the perpetrators of any social injustice he became an enemy to be feared.”⁴ She certainly absorbed charitable passions from her father, and she also gained a thirst to fight for the weak and downtrodden masses. Later in life, she attributed much of her work to her father’s influence, and often claimed that she owed much of her accomplishments to him.⁵ She was very religious, and spent a great deal of her childhood reflecting upon God and his promises.⁶ Her mother played an equally important role in young Josephine’s life by tutoring her and her sisters:

In the pre-educational era (for women at least), we had none of the advantages which girls of the present day have. We owed much to our dear mother, who was very firm in requiring from us that whatever we did should be thoroughly done…She would assemble us daily for the reading aloud of some solid book, and by a kind of examination following the reading assured herself that we had mastered the subject. She urged us to aim at excellence, if not perfection, in at least one thing.⁷

Aside from memories of her father and her mother’s tutoring, Butler did not write much else about her childhood and young adulthood. In 1852, she married George Butler, an intelligent and impressive scholar, and moved to Oxford with him. Butler was extremely

³ Ibid., 13-14.
⁴ Ibid., 7.
⁵ Butler, Memoir of John Grey, 60.
⁶ Ibid., 16.
⁷ Ibid., 17.
fond of her husband, and she wrote of her awe at his intelligence and skill with the subject of geography. They lived as a happy couple, and she bore four children during the early years of their marriage.

During her five years living in Oxford with her husband, Butler felt out of place with society. She began to realize that few shared her and her father’s passion for equality and justice; she especially realized this during talks with her peers about a recently published book by Elizabeth Gaskell. In 1853, Gaskell, a popular female writer, published her work *Ruth* about a young orphan who inevitably became a “fallen woman” and bore her lover’s child. Gaskell’s work showcased the Victorian stigmas about sex and illegitimacy, but she chose to redeem the “fallen women” in the conclusion of her book. Some Victorians were aghast at Gaskell’s writing and forgiveness of an unmarried and sexually active woman. One acquaintance of Butler’s at Oxford claimed that he would never allow his aunt to set her eyes upon Gaskell’s work because of its improper subject. Butler, however, eagerly discussed the work and the opportunities it provided for real social change, but she soon found others silencing her opinions: “A pure woman, it was reiterated, should be absolutely ignorant of a certain class of evils in the world, albeit those evils bore with murderous cruelty on other women.”

According to the men in her circle of acquaintances at Oxford, bringing up the subject of prostitution and attempting to aid helpless and desperate women was like waking a sleeping lion; only harm could come from it. Butler was beside herself with anger and disappointment: “Every instinct of womanhood within me was already in revolt against certain accepted theories in society,

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8 Ibid., 31.
and I suffered as only God and the faithful companion of my life could ever know.”

Butler, used to amiable discussions with her father at home, felt alienated by the men at Oxford, and she felt voiceless due to her sex. She fell silent with resentment and depression. It was only through discussions with her husband that she was able to fully divulge her feelings about inequality and injustice toward women. Her husband shared her views and continually encouraged her: “The idea of justice to women, of equality between the sexes, and of equality of responsibility of all human beings to the moral law, seems to have been instinctive in him. He never needed convincing. He had his convictions already from the first straight, just and clear.” Despite the support of her husband, Butler grew gloomier every day she spent in Oxford, and she soon grew ill. After her illness saw no improvement, her doctor advised that she move away from Oxford and breathe some fresh air. In 1857, the Butler family moved to Cheltenham College where George acquired the position of vice principal. The family lived peacefully in Cheltenham during the following years, and came out as avid supporters of the Union cause in America. Her autobiography noted her disgust at the assassination of Abraham Lincoln and her worries about abolition in America after the death of Lincoln. Her life at Cheltenham seemed calm; she and her husband continued to discuss issues, she nurtured her children, and, as a woman, she remained publicly silent about the injustices in the world.

9 Ibid., 32.
10 Ibid., 34.
11 Ibid., 44.
Things began to change, however, after the tragic death of her only daughter, Evangeline, in 1864; the young child died after a bloody fall from the top of the stairs: "This sorrow seemed to give in a measure a new direction to our lives and interests. There were some weeks of uncomforted grief. Her flight from earth had had the appearance of a most cruel accident." The family plunged itself into grief for the child. Only in 1866, when George accepted a job at Liverpool College, could they escape the home filled with memories of little Eva. Butler was astounded by Liverpool’s diversity, opportunities, and spirit, but her extreme depression caused her a great amount of sorrow. This depression spurred her interest in social influence and aid to the weak, something she learned from her father. During this time she began to step outside of her home and search for those in pain:

I became possessed with an irresistible desire to go forth and find some pain keener than my own, to meet with people more unhappy than myself (for I knew there were thousands of such). I did not exaggerate my own trial. I only knew that my heart ached night and day, and that the only solace possible would seem to be to find other hearts which ached night and day, and with more reason than mine. I had no clear idea beyond that, no plan for helping others; my sole wish was to plunge into the heart of some human misery, and to say (as I now knew I could) to afflicted people, "I understand: I too have suffered."

According to Butler, it was not difficult to find misery in Liverpool. She began volunteering at Brownlow Hill Workhouse, a miserable institution that housed over 5,000 paupers, convicts, unmarried mothers, and prostitutes. She befriended the women at the workhouse and asked them to learn a few verses to recite to her when she visited. She

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12 Ibid., 52.
13 Ibid., 59.
14 Ibid.
found herself inspired by these poor women, and soon dedicated her life to them. She soon opened a “House of Rest” for sick and dying paupers that could not afford medical help, and she also opened an industrial home for the healthy and active wanderers. Through her experiences with the poor and demoralized women, Butler became very interested in supporting further education for women. She became acquainted with a feminist, Anne Jemima Clough, and in 1867 the two founded the North of England Council for promoting the Higher Education for Women.\footnote{Bibl., 76.} Butler even served as president from 1867 to 1871. The first real move for the organization occurred when they organized a lectureship that urged women to put down the needle and thread in exchange for the pursuit of science, math, history, and literature.\footnote{Rod Garner, \textit{Josephine Butler: A Guide to her Life, Faith and Social Action} (London: Darton, Longman, and Todd Ltd., 2009), 9.} This caused women to flock to libraries in search of knowledge and new opportunities. Additionally, Butler began writing for the organization on topics such as education, employment, and women’s culture. In 1868, Butler published her first pamphlet, \textit{The Education and Employment of Women}. In her pamphlet, she argued that women received miserable wages due in part to their low state of education (primary and university level) and called for the higher education of women.\footnote{Josephine Butler, \textit{The Education and Employment of Women}, (Liverpool: T. Brakell, Printer, Cook Street, 1868), 8.} She also called for the mixed education of boys and girls, as well as the removal of all legal restrictions upon female employment. In the following year, Butler published \textit{Woman’s Work and Woman’s Culture}, a collection of essays covering everything from suffrage, primary education, and careers for women, to “the property

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\bibitem{footnote} Ibid., 76.
\bibitem{footnote} Josephine Butler, \textit{The Education and Employment of Women}, (Liverpool: T. Brakell, Printer, Cook Street, 1868), 8.
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disabilities of a married woman.” She also travelled to Cambridge to persuade the college to allow women to study there or to establish a college exclusively for women; she presented the college with a petition signed by women such as Florence Nightingale, Catherine Gladstone, and Lady Emily Tennyson. After a great deal of writing and campaigning, Butler resigned as president of the Council in 1871. Plagued by neuralgia and headaches, Josephine found herself overwhelmed and chose to focus her energy on one single issue.

In 1871, Butler began her most important crusade after she stepped down as president from the Council. This issue, or crusade, forever left an impact upon her followers and her country. She referred to it as a “work of darkness” and if she did not challenge it, then the work of trying to secure educational opportunities for women would be akin to “building a beautiful house on top of a bad drain or upon a malarial swamp.”

Many scholars refer to this period of Butler’s life as her crusade against the State regulation of vice. This system of regulation—an attempt to control venereal diseases in the army—that had its roots in France tracing back to the times of Napoleon, and it had spread throughout other European countries. England made several previous attempts to adopt similar regulations, but Parliament was not successful until the passage of the Contagious Diseases Acts in 1864. These Acts aimed to adopt the European system of licensed prostitution. In 1864, Parliament passed a temporary act “for the prevention of

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19 Ibid., 9.
20 Ibid., 10.
21 Ibid.
contagious diseases at certain naval and military stations." This act passed without discussion, and several other acts passed around the same time dealing with contagious diseases among cattle. Most British people believed that the 1864 act was related to cattle, so this sexist legislation went unnoticed for quite some time. Parliament renewed the act in 1866, and further extended it in 1869. In other countries the system "suffered to crouch away in the mysterious recesses of irresponsible police regulations," but England was the only country that "had the courage or the audacity to launch the system in all its essential details in the form of a public statute." The Acts operated on the assumption that men were incapable of continence, and therefore prostitution was necessary; obviously the prostitutes and their disease-spreading organs had to be regulated. The acts declared that women living in certain port/garrison towns were subject to genital examinations if they were suspected of being a "common prostitute." Morals Police circulated the areas and watched for suspicious women, and male doctors performed the examinations on suspected prostitutes. If a prostitute tested positive for a disease, she would be placed in a "Lock Hospital" until cured. These examinations were quite faulty because sometimes they proved inconclusive or the doctors used infected instruments, which resulted in further spread of the disease. But if the prostitute refused examination, she could be brought before a judge and charged without a jury or trial. Much of the enforcement was ambiguous and any woman (even some that were not prostitutes) faced

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22 Ibid., 87.
the threat of detainment. In order to keep the peace, British officials denied any accusations that these examinations were painful or invasive, and claimed that the regulation helped lower disease.26

Butler became aware of these Acts in 1869 when several friends informed her of the impending drama and begged her to make her voice heard. She grew rather angry at the news and decided to take action. Hearing that Florence Nightingale’s attempt to ban the legislation had failed, Butler knew the road to repeal would prove difficult. She decided to enlist the help of her husband, George:

I went to him one evening when he was alone, all the household having retired to rest. I recollect the painful thoughts that seemed to throng that passage from my room to his study. I hesitated, and leaned my cheek against his closed door; and as I leaned I prayed. Then I went in, and gave him something I had written, and left him. I did not see him till the next day. He looked pale and troubled, and for some days was silent. But by and by we spoke together about it freely, and (I do not clearly recollect how or when) we agreed together that we must move in the matter, and that an appeal must be made to the people.27

After recruiting her husband, she joined with Elizabeth Wolstenholme and formed the Ladies National Association for the Repeal of the Contagious Diseases Acts in 1869.28 Butler led the LNA until the repeal of the Acts in 1886. The first act of the LNA was their published “Protest” on 1 January 1870 in The Daily News. In the “Protest,” the LNA declared their disgust at the fact that the British population remained uninformed by Parliament and the press about the Acts for a great deal of time. They objected to the cruel removal of women’s personal security and civil liberty. Furthermore, they claimed

26 Butler, Autobiographical Memoir, 89.
27 Ibid., 92.
28 Ibid., 90.
that it was "unjust to punish the sex who are the victims of a vice, and leave unpunished the sex who are the main cause, both of the vice and its dreaded consequences." They declared that the State removed morality and lessened self-control by promoting “disease-free” promiscuity. Finally, they questioned why Parliament had provided no data on the number of diseases and whether or not the regulation improved the number of cases. Butler seemed very proud of the document and discussed it with a Member of Parliament. According to Butler, the MP claimed that the “manifesto has shaken us very badly in the House of Commons. We know how to manage any other opposition in the House or in the country, but this is very awkward for us — this revolt of the women. It is quite a new thing…what are we to do with such an opposition as this?" Butler and her supporters saw this manifesto as a triumphant written work, but supporters of the Contagious Diseases Acts accused Butler of hysteria. In addition to their published material, Butler led the LNA in writing letters to every Member of Parliament to call for the repeal of the Acts. These MPs responded to Butler’s letters with disdain, and she noted that many highly esteemed dignitaries of Church and State wrote to her with great contempt and denounced her actions. In addition to the LNA in England, Butler received support from all over the world. The Ladies International Association from Geneva allied with Butler and sent a letter to Prime Minister Gladstone calling for his help with the

30 Ibid., 20.
31 Ibid., 30.
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repeal, and Victor Hugo wrote to the LNA promising his support and calling for the ladies to fight on.  

Seeing that the government refused to budge, Butler turned to the working classes for help. She toured England and gave speeches condemning the Acts. On July 3, 1871, she addressed Croydon with a powerful speech about how the Acts attempted “to facilitate the practice of sin; --to make a soul-destroying vice conformable with health, good order, and public comfort…the attempt to regulate vice in this manner is so impious.” In her speech, she blamed the upper classes for the proliferation of prostitution: “And here it is not the poorer classes who are the most guilty. Immorality among the poor, bad as it is, is a less deadly poison in society than the profligacy of the upper classes.” She went on to lament the “awful and astounding fact that a very large and influential position of English society has made up its mind to accept prostitution with all its train of moral horrors, as a necessary and inevitable portion of Christian civilisation.” She gave speeches similar to this in Crewe, Liverpool, Leeds, Newcastle, Sunderland, Sheffield, Darlington, Birmingham and many other cities to bolster support for the repeal of the Acts. Between 1869 and June 1871, she lectured at 99 public meetings, attended 4 conferences and traveled over 4,000 miles. In all her speeches, she spoke with great passion and determination; she captivated the working class with her

32 Ibid., 22.
34 Ibid., 8.
36 Garner, 13.
words, and they grew to see her as a sister.\textsuperscript{37} The working class proved extremely loyal by organizing the public meetings, petitioning Parliament, and aiding Butler in every way they possibly could.

While continuing to hold public meetings, Butler also began to interview women about their experiences with the examinations, and in a letter to a doctor, her disgust at the examinations was evident:

Doctors say in the coolest manner that the process is not painful. At a public meeting where I said something about it, a doctor got up and said it was a pity to weaken my case by any false or overstatement, for ‘it is well known that the operation is entirely painless.’ I answered this doctor in the following words, and this is my answer to all the world: If all the male doctors in the world were to tell me with one voice that the operation is painless, and two or three female prostitutes (even the lowest) were to whisper in my ear with sobs and shudders (as they have done) that “the pain is dreadful: I have never been free from pain since,” I should believe the female prostitutes, and not the male doctors—simply because I am a woman. I know my own make, and I know that women, who by hundreds tell me the same tale, do not lie to me. And I could say this, too, that in merely listening to their accounts I have pain in my back and loins from the very sympathy I feel. They may call this fancy, but pain is pain.\textsuperscript{38}

She continued her letter by providing several examples of the statements given by some of the victims: “Some say they suffered no pain, others only extreme discomfort and difficulty in walking, others real and great pain.”\textsuperscript{39} Moreover, they chiefly complained of “the great size of the instruments. The same sized ones seem to be used for small, delicate girls of 15, and slight women, as for large women who have had children.”\textsuperscript{40} Not only

\textsuperscript{37} Ibid., 14.
\textsuperscript{39} Ibid., 22.
\textsuperscript{40} Ibid.
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were the instruments large, but the doctors seemed to feel little empathy for their patients, for “often they use several [instruments]. They seem to tear the passage open first with their hands, and examine us, and then they thrust in instruments and they pull them out and push them in, and they turn and twist them about; and if you cry out they stifle you with a towel over your face.”

Others remembered that it caused “pain like labour across the back and loins; and you feel the instruments pressing up to your stomach, making you quite sick. They push them up so far.” These doctors performed on any woman accused, and sometimes these women were far into pregnancies when examined. These examinations sometimes caused miscarriages and destroyed the virginity of those wrongfully accused. Furthermore, these examinations provided opportunities for rape; some doctors spent too much time on these straightforward procedures and allegedly practiced forms of surgical rape and penetration. Despite the horrific testimonies, Butler found little compassion from Parliament, and the Acts remained in place until 1886.

Butler, frustrated with the slow pace, published The Constitution Violated in 1871. In this work, she claimed that the Contagious Diseases Acts were unconstitutional because they contradicted a very important clause in the Magna Carta. These clauses “protect the personal liberty and property of all freemen, by giving security from arbitrary

41 Ibid.
42 Ibid.
43 Garner, 12.
44 Clauses 39 and 40: “No Freeman shall ever be taken or imprisoned, or disseised (sic), or outlawed, or banished, or anyways destroyed, nor will we pass upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land. We will sell to no man, we will not deny to any man either justice or right.” Quoted in Josephine Butler, The Constitution Violated (London: Hamilton, Adams, and Co., 1871), 8.
imprisonment and spoliation.”

In her work, Butler argued that the Acts violated these clauses and essentially put certain “freemen” into a state of slavery while destroying their rights. Moreover, she claimed that the political freedom of the nation rested on the protection of personal rights and protested that a “alleged prostitute” could be examined on the word of a police officer and a judge with no further measures deemed necessary. She cited other situations when the law recommended male criminals hold back anything that might incriminate him, but women simply suspected of prostitution were forced to sign forms that exposed them to compulsory examinations.

She objected to this persecution of working-class women, and called for “an equal code of morality, one standard for men and women alike, equal laws based upon an equal standard.” She earned quite a reputation for The Constitution Violated. Her speeches, pamphlets, and work with the LNA brought a great deal a support to Butler’s cause, but her actions also angered many supporters of the Acts. Many attacked her character, marriage, and her husband; she also found herself publicly shunned by the wealthier classes.

She continued to strive on, and recruited Dr. J. Baxter Longley to run against Sir Henry Storks (a notorious supporter of the Acts) in Colchester. She knew her candidate could not win, but she intended to split the vote enough to prevent Storks from winning. Longley and Butler received death threats and other hateful messages from the Storks campaign, and supporters of Storks

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45 Butler, Constitution Violated, 8.
46 Garner, 13.
48 Garner, 15.
49 Ibid.
threw chairs, rotten vegetables, and lumps of plaster from the ceiling at Longley and Butler during their political speeches. Mobs gathered everywhere Butler traveled, and her supporters urged her to call off her events. Instead of giving up, Butler disguised herself at one of her public meetings. She succeeded in delivering a passionate speech, but was forced to flee through the backdoor after a mob gathered.\textsuperscript{50} Many of her public and prayer meetings ended in Butler fleeing from enemies, and on one occasion they set her hotel on fire; the police arrived on the scene but made no attempt to save her.\textsuperscript{51} Butler’s life was at risk, but nothing could stop her from fighting her crusade for social justice.

At a huge turning point in her crusade, Butler’s actions prevented Storks from being elected to Parliament. The press even stated that Storks had been “defeated by Mrs. Josephine Butler.”\textsuperscript{52} Finally, Parliament responded to the tense situation by appointing a Royal Commission to investigate the success and constitutionality of the Acts.\textsuperscript{53} The commission published a Majority Report suggesting the age of consent for girls be raised from 12 to 14, but they still upheld the Acts. Butler grew even more determined to rid England of the sinful Acts; for the next 16 years Butler and the LNA participated in over 900 public meetings, published and supported the publishing of over 520 books and pamphlets, and witnessed over 2 million signatures on 17,000 petitions. One petition, glued together on numerous sheets of paper, stretched five miles long and required three men to lift it into a cab; Butler delivered this petition to Parliament in person. Although

\textsuperscript{50} Ibid., 17.
\textsuperscript{51} Ibid.
\textsuperscript{52} Ibid., 16.
\textsuperscript{53} Butler, \textit{Personal Reminiscences}, 32.
many MPs laughed in her face, Butler knew she could prove victorious. For much of the 1870s, she and George traveled through Switzerland, France, and Italy to further speak against the Acts and their continental counterparts. While on the continent, she learned of the abduction of young girls into the sex slave trade; perverted men kidnapped these young girls and shipped them off to serve wealthy and respectable men in English colonies. She returned to England horrified by the realities of the sex trade and continued to speak out against the acts. Butler’s perseverance proved victorious, and she informed Parliament and the wider community about the sex trade alive in England and on the continent thanks to acts, such as the Contagious Diseases Acts, that perpetuated prostitution. Through the early 1880s, she continued to hold prayer meetings and lectures. According to her biographer, Rod Garner, Butler “brought about a revolution in the minds of people—especially the urban working class—that forced Parliament in 1885 to push through the Criminal Law Amendment Acts that raised the age of consent to 16 and made it a criminal offence to procure girls for prostitution by threats, fraud or administering drugs.” After this revolutionary triumph, a year later Parliament finally repealed the Contagious Diseases Acts in response to pressure from Josephine Butler and the LNA. Butler grew ecstatic at the news of the repeal:

The actual repeal of this legislation was carried in April, 1886. My husband and I were at the time staying with my sister in Naples. It was a great joy to us to receive a telegram on April 16th, signed by Mr. Stuart and Mr. Stansfeld, saying: "The Royal Assent has this day been given to the Repeal Bill." I thanked God at that moment.54

After nearly twenty years of fighting against the British Parliament and the supporters of

the Contagious Diseases Acts, Josephine Butler proved triumphant. The perseverance, stubbornness, and dedication to social justice that she learned from her father led her to fight against opposition at all costs. She spent the remaining years of her life writing and spending time with family. Due to Butler’s strategic campaign, “a vindictive and worthless Act of Parliament was erased from the constitution and the nation recognized the system of regulation for what it was: arbitrary, unjust, and cruel to the women concerned.”

55 Garner, 18.