

THESIS SUMMARY

‘THOSE UNFORTUNATES’: VICTORIAN PROSTITUTION, LOCAL COMMUNITIES AND THE LAW 1850-1890

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1 Who, What, Where and When

Nine times out of ten, if I outline my thesis in conversation and I use the words ‘Victorian’ and ‘prostitution’ the following response is elicited: ‘Oooohhhh, that sounds interesting! Is that looking at Jack the Ripper?’ In a word: no. As with many high profile unidentified serial killers, Jack the Ripper has become legendary. The prostitutes he gruesomely murdered have become the focus of a multitude of television documentaries and the basis for fictional interpretations such as television dramas and historical novels. Whilst this is fantastic in ensuring that Victorian prostitution is an element of history which does not remain confined to the realms of academia and musty bookshelves, the focus on such extraordinary events can detract from the reality of attitudes and beliefs held regarding fallen women during this period. In order to arouse curiosity and intrigue amongst a non-academic audience, the media often seizes upon atypical cases such as the ‘great horizontal’ Catherine Walters, a ‘toffer’ able to attract higher class customers due to her renowned beauty. But what of the ‘dollymop’, the ‘harlot’, the ‘nightflower’? Aside from women categorised as petty criminals, such as Nancy in Charles Dickens’ novel *Oliver Twist*, examples of transient prostitution are few and far between.

This penchant for studying unusual cases is echoed in academia. Comment from legal scholars upon the ways in which prostitution was viewed as problematic to local communities has generally been subsidiary to reflections on identifiable crime types and high profile individuals. A key exception here has been work in law by Nicola Lacey and Melanie Williams. However, in directly addressing these issues both Lacey and Williams have concentrated on fictional examples rather than historical evidence. Critical reflection on historical studies such as Judith Walkowitz’s *Prostitution and Victorian Society* underlines the need for local or micro-studies, as general comments on locations such as Portsmouth and Aldershot are derived from research focusing on cities such as London, York,

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Manchester or Liverpool. We cannot extrapolate this knowledge and understanding of vice and impose it upon villages, towns and cities throughout England on the assumption that one size fits all.

I am interested in the relationship between prostitution, local communities and the law, integrating the ideas and approaches of both law and history to enable a more robust study. I hope to enhance understandings of socio-cultural and socio-legal attitudes, using concern about prostitution as a key way of comprehending the boundaries between acceptable and unacceptable gender conduct, inflected by class, age and location issues. I will be investigating three Northern provincial towns in the industrial hinterlands which have previously not been studied in detail: Chester, Birkenhead, and Crewe and Nantwich. This allows my research to move away from towns which are likely to have been heavily influenced by extraordinary events in London due to their close proximity to the city.

2 Musings So Far

I am hesitant to use the word 'findings', as each archive visit yields more finds and more often than not these will alter my perspective slightly. I am almost three years in to my studies as a part-time student at Nottingham Trent University and therefore I am still spending many an afternoon hunched over the microfiche or with my eye squinted one inch away from yellowed paper, trying to decipher faded words penned by hand over a hundred years ago.

In 1881, the census records Birkenhead as having a populace of 84,006; Chester 37,208 and Crewe and Nantwich 31,880. The populations of these three locales combined is less than one twentieth of London's 1881 population of 3,815,544. Had the prostitutes of these town lived in the crowded capital, they may have been just another of the 'tainted souls with painted faces'. In large cities such as these prostitutes were not so discernible: in smaller conurbations such as Chester, Birkenhead, Crewe and Nantwich, such figures were much more familiar to community, the police and the courts. The same women are regularly hauled before the magistrates by the same police officers for the same misdemeanours to receive the same punishment. Hannah Payne of Chester was brought before the magistrate Major French over 100 times for a variety of petty crimes. However, the legal system worked to local agendas and sentencing was reflective of the cost to the local ratepayer. Punishment was subsidiary to the concerns of the community and that the people of the town appear to have been acquiescent to the management of such 'fallen women', and in the absence of a public backlash, it can be inferred that prostitution was not perceived as the vehement profession we suppose. Women accused of prostitution were often dismissed on a promise

to leave the town (a promise they rarely fulfilled), served short prison terms or were issued fines.

Personally, one of my favourite reads was the Chester City Police Reports Against Constables Book, 1842-69. It suggests that the line between citizens and the constabulary was extremely blurred: they were not the authoritative pillars of the community we might presume. A significant number of officers were dismissed from the force for drinking with prostitutes, being drunk in a brothel and being drunk on duty. It is interesting that when prostitutes made reports against these same officers, documented in the newspapers, they were not recorded in the Reports book. This denotes that their testimony, in some instances supported by eyewitnesses, was deemed unreliable even when those they were testifying against were equally as questionable in terms of their character. Thus, due to the notoriety of these women within the courtroom, in some instances this led to an unprofessional trial being conducted. There were also many examples of inappropriate comments and behaviours being displayed in the courtroom by the women being prosecuted, with a multitude of taunts and improper comments being levelled at the magistrates and Mayors. This demonstrates that in dealing with 'known' characters, the use of the law in the summary courts was regularly 'improper' in the strict legal sense and yet that does not seem to have been challenged.

3 Aims of the Thesis

My project aims to promote a deeper understanding of the historical geography of deviance; in turn allowing for the evolution of a more inflected comprehension of Victorian prostitution nationally. I believe there is potential for this work to shape political and legal policy which endeavours to manage prostitution. As Philip Howell et al argued in 'Managed zones for sex workers in Liverpool: contemporary proposals, Victorian parallels' in 2008, contemporary regulatory practices are not so different from those of our nineteenth century counterparts. There are significant gaps in our historical knowledge and consequently we cannot fully utilize the past when crafting modern legislation or implementing strategies to manage prostitution, as we are not aware of the impact of these during the nineteenth century away from London or other large urban conurbations. In expanding the number of case studies of provincial towns, I will supplement our historical knowledge of prostitution outside main centres of population and in doing so help to develop a more nuanced social history of prostitution generally – hopefully!