

# JOSEPHINE BUTLER (1828 – 1906)

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October 2006

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The laws that we and most other democracies have on the age of consent and on prostitution are due mainly to the efforts of one Christian lady, Josephine Butler. Josephine Grey was born in Northumberland in 1828. She was to become a woman who changed legislation throughout the Western World in order to protect children and vulnerable women. Josephine came from a wealthy and well-connected Christian family. Her parents knew she was highly intelligent and they were keen to develop her education. As a young woman she learnt to speak and write in many languages.

At the age of 19, after a year of questioning the Christian faith and fighting against God in her thoughts, she became a Christian. During her life she was to put all her many gifts at the service of Christ. When she was 24 she married George Butler a lecturer at Durham University. There were to have a very close married life together. By the time she was 36 they had four children, but one August evening a terrible event occurred which was to affect Josephine for the rest of her life. In 1864 her five year old daughter Eva had a fatal accident. She fell from the banister at the top of the hall stairs down to the stone floor below.

Throughout her life Josephine struggled with a respiratory illness. After her daughter's death her health got much worse. Josephine suffered what she called a "long drought of the soul". She was drawn into prayer. The Lord laid on her heart to pray for those who suffered, and in particular to pray for poor young girls who suffered as a result of a life of prostitution. At the suggestion of the local Baptist Minister, Josephine visited the local work house. She found she had a natural way of speaking with the women there. Some of them had been prostitutes. One thing led to another. Very soon prostitutes dying of disease were invited into her home to stay. When that was too small they rented another house. Then more refuges were built. Many prostitutes came to faith in Christ.

One day in 1866 Josephine was reading a report in *The Times* about the *Contagious Diseases Acts*.<sup>1</sup> She was outraged. These laws actually legalised prostitution in 11 garrison towns and sea ports. They validated the evil of prostitution which she knew caused so much suffering. The Contagious Diseases Acts were brought in to ensure that there was a clean supply of hygienic prostitutes for soldiers and sailors. The Government was very worried that so many soldiers were in hospital suffering from venereal disease. Some of them died. In 1864 the official estimate was that one in four soldiers had VD.<sup>2</sup> In some regiments it was as many as one in three.

The Government's solution was "the hygienic control of prostitutes". All respectable medical opinion thought it a great idea and so did the police. Under the law every prostitute had to have a licence which was provided only after a medical examination. Any woman suspected of being a prostitute was required to undergo the examination. Diseased prostitutes were imprisoned. And special plain clothes police officers were employed to enforce the Act. In 1869 prostitution was legalised in even more towns. Many argued that prostitution should be legal across the whole country.

There was increasing national agitation against the Acts. There was growing alarm at the brutality of the medical examinations. Many ordinary women walking the streets were being set upon by the secret police and made to undergo the examinations. Opponents of the legislation approached Josephine to ask her to take up the leadership of the campaign. After much thought and with the full agreement of her husband Josephine agreed.

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<sup>1</sup> Moberly Bell, *E Op cit*, page 71

<sup>2</sup> Fawcett, M G and Turner E M *Josephine Butler: Her work and principles and their meaning for the Twentieth Century*, 1927 (Reprinted 2002, Portray Publishers, Warrington), page 136

Campaigners said “the path of evil is made more easy to our sons... as moral restraint is withdrawn the moment the State recognises, and provides convenience for, the practice of vice which it thereby declares to be necessary...”<sup>3</sup> Josephine called the Contagious Diseases Acts “Legalised harlotry”. Instead of suppressing prostitution it regulated it. Instead of protecting young girls it cruelly exploited them.

At that time the age of consent was only 12 years old. The police tended to take the word of an adult against a child, so proving rape was very difficult. In any case most of the young girls involved were deeply traumatised. Their will was broken by the abuse they endured. Police refused to take any action when they were bribed by the aristocracy who owned many brothels.

In her first year as leader of the campaign Josephine Butler travelled 3,700 miles and organised 99 public meetings.<sup>4</sup> The Government responded to the public controversy by setting up a Royal Commission. It reported in 1871. The only useful thing it said was that the age of consent should be raised from 12 as it then was, to 14. When the Commons came to vote on the issue four years later (1875) MPs only backed raising the age to 13.

Over 16 long years Josephine campaigned right across the country. There were endless public meetings, petitions and handbills. The repeallers even fielded candidates in by-elections. Political pressure continued to build. Brothel owners started to fight back. On two occasions they made attempts on Josephine’s life.

### **The repeal of the CD Acts**

In February 1883 a national day of fasting and prayer against the CD Acts was called. The letter writing campaign reached its peak. One MP said that he had received 500 letters in one day urging him to vote for repeal. On 20 April a key vote was held in the Commons just after midnight. A huge cheer went up when the vote was read out. They had won by 182 to 110. It was a very emotional occasion for Josephine and the MPs who supported her. Many tears of joy were shed.

As a result of the victory the operation of the Acts was immediately suspended. It was formally repealed three years later on 15<sup>th</sup> April 1886. A Royal Commission found that after repeal the contagious disease rates in the Army and Navy plummeted from 26% to 6%. In the sixteen year campaign to repeal the Contagious Diseases Acts a total of over 900 public meetings were organised, 520 book and pamphlets on prostitution were published and well over 17,000 petitions with over 2 million signatories had been collected.<sup>5</sup>

### **Age of consent**

But Josephine wanted to raise the age of consent to 16 and to have legislation to suppress brothels. To do this they needed evidence. The campaign was to take another 2 years. In July 1885 Josephine and her son spent ten days walking the streets of London to gather evidence on what she called “the crimes of the aristocracy”. They spent a total of £100 buying children during their ten days. Once freed these children were then safely looked after. Josephine uncovered a massive organised sex trade. Girls were abducted in Britain and smuggled to the Continent. Drugs were used to abduct the girls who were then brutally raped to force them into servility.

Josephine briefed a journalist called William Stead who made his own enquiries. Stead purchased seven girls between the ages of 14 and 18. A prominent MP offered to sell him virgins at £25 each. A procuress told Stead that she had a regular order from a prominent London doctor: 3 girls a fortnight from £5 to £7 each. Stead was determined to prove that parents were actually selling their own

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<sup>3</sup> Quoted in Butler, J E *Op cit*, page 10

<sup>4</sup> Fawcett, M G and Turner E M *Op cit*, page 59

<sup>5</sup> Hollis, P *Women in Public: The Women’s Movement 1850-1900*, George Allen & Unwin, page 199

children. To do so he managed to buy a thirteen year old girl called Eliza for £5. Stead published his account in his newspaper on 6<sup>th</sup> July 1885. There was a massive reaction.

Spontaneous public meetings of outrage were being held all over the country. Thousands of people attended the meetings. The Government felt that it had to do something. By 9<sup>th</sup> July - only three days after the story appeared - the Government acted. The age of consent legislation was given a swift second reading. It sailed through all its stages and became law on 10 August 1885. The age of consent for girls was raised from 13 to 16 in the Criminal Law Amendment Act 1885. But that was not all. The Government put into law the entire demands of the campaigners. It was a complete and total victory.

<b>The Criminal Law Amendment Act (1885)</b>
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| <ul style="list-style-type: none"><li>• Raised the age of consent from 13 to 16</li><li>• Made it a criminal offence to procure girls for prostitution by threats, fraud or administering drugs</li><li>• Punished householders permitting under-age sex on their premises</li><li>• Made it a criminal offence to abduct a girl under 18 for the purposes of carnal knowledge</li><li>• Made it a criminal offence to detain a girl without her consent for the purposes of carnal knowledge</li><li>• Gave magistrates power to issue search warrants to find missing females</li><li>• Gave power to the court to remove a girl from her legal guardians if they condoned her seduction</li><li>• Provided for summary proceedings to be taken against brothels.</li></ul> |
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The Criminal Law Amendment Act (1885) is basically the same law that applies in Northern Ireland today with one main exception – in 1950 the age of consent was raised to 17. Josephine's compassion moved her to become a tireless and courageous campaigner. All her life she fought against the fashionable experts in medicine and the police. We need to do this today. There are experts in the Northern Ireland Office who want to turn the clock back 120 years. They want to destroy everything that she stood for.