Chasing the Social Evil: Moral Fervour and The Evolution of Canada's Prostitution Laws, 1867-1917

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> [T]he ordinary citizen who detests exploited prostitution has no unbalanced desire for legislation at any price. He or she is prepared to face the inescapable truth that the causes of this evil cannot be touched by law, however perfectly conceived, however perfectly administered. Those who are obsessed by a frenzy for legislative measures achieve contentment and futility. The slow way is the only way of advance here: education, a changed social outlook, a gradual reorganization of economic conditions, these may remove such causes as are within our control. And not the wisest of us can prophesy but that we shall find the primary cause will baffle us at the end. Teresa Billington-Greig[1]

The relationship between criminal law and morality is one which has always evoked strong feelings. Moreover, the question of whether and how to use criminal law sanctions to curb sexual immorality has been particularly susceptible to both outbursts of moral fervour in the community at large and to the pressure exercised by crusaders and propagandists with moral missions.

In recent decades social and legal historians have turned their attention to the issues of how and why moral opposition to various forms of anti-social and immoral conduct is translated into criminal law proscriptions, and to assessing the practical consequences of so doing. The enactment of repressive law in the past to control drug and alcohol use, obscenity and prostitution, vestiges of which are still with us, has stimulated an increasingly rich body of analysis and critique.[2]

In this essay I use the development of Canadian law on prostitution between 1867 and 1917 as a paradigm of how moral concern and the assumptions on which it proceeds have influenced the development of the criminal law in the area of conduct branded as sexually aberrant. The article concentrates on the social

context of and impulses to law reform, rather than on the purely philosophical issue of the appropriate domains of law and morality. It represents a prelude to further work in which I plan to compare and contrast the aspirations of the reformers and legislators with the "law in action."

The Pattern of Change in the Prostitution Laws 1867 to 1917

Between 1867 and 1917 the body of criminal law in Canada on prostitution grew from a small group of provisions directed against both street and residential prostitution as forms of vagrancy and the defilement of girls under twenty-one years of age secured by false pretences, to a more complex set of provisions which purported to protect females in general from the wiles of the procurer, pimp and brothel keeper, both within Canada and across international borders, and which gave the police wide powers to curb institutionalized prostitution. The growth in the range of conduct penalized by the laws was attended by the stiffening of the penalties stated and applied.

What explains this significant growth in the number and severity of the prostitution laws? The answer lies in the changes which took place in nineteenth- and early twentieth-century social attitudes towards the family and its female members, reflecting a growing concern about the moral dangers of the "modern world," and in the channelling of that concern into campaigns for social purity in general and sexual continence in particular. These changes in social values were not limited to Canada, but were felt in most Western countries. Given Canada's colonial past and geographical position, the process of social change and the legal response to it were influenced by events and policies in both Great Britain and the United States. For most of the period with which we are concerned, Canada took its social and legal cues on prostitution from British thinking and experience. However, towards the end of the period there is evidence that developments in the United States, where prostitution only became a major national issue in the early part of the present century, had an impact on the social climate in which the enactment of further changes in the law on prostitution in Canada took place, if not on its formal statement.

The State of the Law on Prostitution in 1867

In 1867, British and Canadian law relating to prostitution and the protection of women and children from vice reflected the values of societies in which the desirability or efficacy of the state's intervention to condemn or control sexual errancy was not readily conceded. Where intervention was undertaken, the legal expedients served purely pragmatic ends. The law was also redolent of a social system in which women's virtue was valued predominantly in proprietary terms, to be protected only where their mens' assets or lineage were in jeopardy. At the same time, children were seen as small adults who reached social and sexual maturity at an early age and were accordingly not entitled to special protection by the law thereafter, except insofar as their parents' economic interests were adversely affected.

Both prostitutes and those who ran or frequented common bawdy houses were dubbed vagrants, social nuisances to be penalized and controlled when public concern or outrage needed to be dispelled.[3] The purposes of the law were to get prostitutes off the streets when necessary, and to alleviate the land use conflicts and problems of public disorder associated with the operation of brothels. The law in Canada did differ in two respects from that in England. In the first place, Canadian legislation made the very status of being a streetwalker or prostitute a crime.[4] Once the status was established, conviction followed more or less automatically. In England by contrast, the arrest of street prostitutes was only allowed if they were "behaving in a riotous or indecent manner" or "annoy[ing] . . . inhabitants or passengers."[5] In other words, there had to be some element of noisome behaviour involved. Secondly, in Canada both inmates or frequenters of a common bawdy house drew criminal penalties, whereas in England only the keeping of such an establishment constituted an offence.[6]

The one significant change to the prostitution laws, the enactment of the *Contagious Diseases Acts* of the early 1860s, was designed with no high moral purpose in mind, but was the result of the concern of governments in both countries, abetted by both the military and public health establishments, to contain venereal disease in military and naval cities and towns. The legislation allowed for the summary detention in specially certified hospitals of prostitutes who were suspected of being diseased. It was both implemented and refined in Britain, but largely ignored and soon allowed to lapse in Canada.[7]

Enforcement of the prostitution laws was both sporadic and capricious. In general, the police impulse was to practice toleration, with a level of intrusion sufficient to emphasize the fact that they were in control. If they felt control slipping, or they came under criticism or pressure from the community, the law could be and often was applied in the most repressive ways. Community attitudes, which invariably reflected middle class values, varied depending on how far prostitution was seen as a direct threat to respectable members of the population, or necessary to local conditions. Fingard has shown, for instance, that in mid-nineteenth-century Halifax a significant degree of toleration existed because of a recognition of the need to service the large surplus male population in a port city.[8] Where and when the laws were enforced, the focus of police attention tended to be the prostitutes themselves, whether operating on the street or out of residences or rooms.[9] In both countries prostitution was practiced in a variety of ways, both on and off the street, with off-street liaisons made and consummated in a wide range of establishments, ranging from elaborate entertainment palaces and live-in brothels to houses of assignation and rooms.[10] Despite attempts to romanticize the lot of the prostitute, a majority of these women lived a marginal existence in which economic imperatives dictated constant abuse of their bodies and psyches for meagre reward. Plagued by bouts of ill health, they were regularly subjected to the threat or reality of violence and harassed by the authorities.[11]

The law relating to the protection of women and children was even sparser than that on prostitution. The age of consent of a child to carnal knowledge, which had

traditionally stood at ten years, was by 1867 twelve years in both Canada and Britain.[12] Furthermore, as a result of many centuries of male concern to protect their proprietary interest in their wives and daughters, it was a crime to abduct a propertied heiress for purposes of marriage or sexual activity.[13] Only recently had the need to protect girls in general from the wiles of abductors and procurers been recognized. Legislation had been passed grudgingly by the British Parliament in 1849 at the behest of the social reformer, Lord Ashley (later Shaftesbury), which limited protection to those under the age of twenty-one whose defilement had been secured by false pretences.[14] The new offence was included in the English *Offences Against the Person Act* of 1861, and subsequently adopted in the equivalent legislation in Canada in 1869.[15]

By 1850, especially in Britain, the realization was emerging that many of the social problems which were the consequence of industrialization, including those afflicting working class women and children, could only be solved by state intervention and regulation. Nevertheless there was significant resistance to using legislation to protect women in the sexual sphere.[16] Widespread opposition existed, especially in Britain, among establishment and middle class males, to the further criminalization of the sexual abuse or exploitation of women and children, especially if it meant additional curbs on prostitution. This politically powerful group, which included many legislators, adhered to the view that prostitution was inevitable, if not necessary. Within that camp were politicians, law enforcement officers and public health physicians whose experience pointed in that direction, those who viewed prostitutes as the protectors of middle class female virtue and those who felt that a more restrictive criminal law would cramp the style of themselves or their profligate offspring.[17] Despite a veneer of rectitude, some Victorian males found no moral problem in leading an ostensibly respectable family life, while at the same time seeking sexual excitement with prostitutes. Moreover, a proportion of those were attracted to juveniles. As establishment and middle class girls were effectively "off limits" they felt no compunction about utilizing the services of working class girls, who were often only too ready to oblige.[18]

The insidious double standard which pervaded the attitudes of this camp, many of whose members were content to hold poor girls and women to ransom for the safety of their wealthier sisters and to ignore the delinquency of the male users of their services, has been captured most pointedly by Harrison:

> The knowledge that enormous numbers of people were compelled by sheer poverty to sell themselves was understandably unacceptable to that class which profited by their very deprivation and which relied on their availablity as an outlet for its illicit sexuality. The myths were therefore required to serve two causes: they had to disguise the disturbing economic facts of prostitution by providing plausible causes for its existence other than bald penury, and they had to ensure that the blame and punishment for the moral delinquency involved were seen to rebound not on the client but on the prostitute . . . .[19]

This view of society and sexual privilege was not to go unchallenged. The second half of the nineteenth century marks the emergence within both British and Canadian society of new forces of reform which had a very different view of social mores, and which to one degree or another were bent on changing society and its values to conform to their ideal vision. By the middle of the nineteenth century an increasingly influential segment of the middle class in both countries was beginning to question the condition and values of the societies in which they lived. Industrialization and the prosperity that followed in its train had also brought untold suffering and evidence of a general decline in moral values, including attitudes towards sex. Those who felt like this pressed for reform of social values and the amendment of the law, including the criminal law. Crucial to the salvation of society in the view of the majority of the reformers was the strengthening of the family as the pivotal social unit.[20] More and more, women were seen as the guardians of the family's welfare and as representing the moral conscience of the community, and so entitled to protection from stains on their virtue. In particular, their supposed tendency to sexual passivity and disinterest had to be shielded from those males who were only too ready to compromise it. By the same token, men were to be subject to the same moral code as decent women. Any anti-social activity which threatened the family, and thus society in general, had to be counteracted by a combination of firm moral instruction, and the stern application of the criminal law.[21]

Although this was a middle class movement in both countries, some differences existed in how the problem was characterized in social terms. In Britain the reform movement, especially in its early days, had a distinctly radical flavour to it. Indeed, it was the product of a powerful combination of non-conformist religion, feminism and radical political thinking. The reformers saw many of the problems which society faced as associated with an uncaring, privileged establishment, which ignored the problems of the poor.[22] In Canada, where the evangelical Protestant churches were dominant within the English speaking community, and reform politics cut across the party lines, the reform movement developed more in the mainstream of Canadian political and social thinking. Indeed, it was often justified as a response to a perceived move away from cherished, traditional values. As Bacchi has observed:

> The shift from the traditional order of village life, Wiebe's 'island communities', to a complex, impersonal, industrial urban structure represented the principle dilemma in the reformers' vision of the world. Whether he or she was disturbed primarily by the ending of a hierarchical system based on deference, by the increase in crime and delinquency, by the difficulty of finding definition in an impersonal, sprawling urban setting, or by the disappearance of values which had previously regulated social behaviour, there seems little doubt that social disintegration was the fear and social order the goal. The types of reforms advocated suggest the nature of their fears. Temperance, the Canadianizing of the foreigner, the battle against prostitution, the campaign for compulsory education, the desire to rescue delinquents — all reveal a

common desire to restore a degree of control over society and chiefly over its deviants.[23]

Despite these differences in pathology, reformers in both countries identified similar symptoms of the disease, and prescribed the same cures.

The Early British Reformers and Their Impact

Not surprisingly, given the earlier pattern of industrialization and social dysfunction which it produced, the British reformers were earlier into the fray than their Canadian counterparts. The initial focus of their attention and opposition was the attempt by the state to control prostitution through the *Contagious Diseases Acts*. This complex of legislation was deprecated by the reformers because it assumed prostitution to be a social given, thus giving state sanction to immorality, and because it institutionalized the traditional double standard in the treatment of prostitution. For the feminists, led by the redoubtable Mrs. Josephine Butler, the primary impulses were compassion for the prostitutes themselves and revulsion at their discriminatory treatment.[24]

During the twenty years of the campaign, other forms of sexual exploitation were to shock the consciences of the reformers. The abhorrence they felt for state regulated prostitution in time drew their attention to its ubiquity on the Continent, and led to their collaboration with abolitionists in several other European countries. In the late 1870s, these contacts exposed something of a trade in young English women, spirited away from Britain by *placeurs* to serve in continental brothels, especially in Brussels and Paris.[25] When these revelations were confirmed by a Foreign Office investigator, pressure from the reformers and the more general public outcry persuaded Mr. Gladstone's government to refer the matter to a Select Committee of the House of Lords in 1881.

"White slavery" fears were not new in Britain. As Bristow has indicated, tales about the abduction of innocent young girls and women for service in brothels were current in the eighteenth and early nineteenth centuries. On occasion these tales were the excuse for excessive fantasizing and racial bigotry. Thus in the 1830s J.B. Talbot, the Secretary of the London Society for the Protection of Young Females, reported that procurers of young girls were rampant in London and emphasized that there were "7,400 Jews engaged in this traffick who are living on the degradation of Christian girls."[26] These revelations about English girls captive in continental brothels gave new and awesome meaning to the term "white slavery." As with all emotive terms designed to characterize sexual exploitation, it has always had a loose and slippery character. For some, including Josephine Butler, it was a convenient and dramatic way of describing prostitution in general, especially where it meant the regulation or migration of prostitutes. Others tended to use it in a more specific fashion to describe the evil forces, both foreign and domestic, which preyed upon girls and young women.[27] Whatever its particular connotation, the incautious use and affirmation of the term was to leave the indelible impression on the minds of the reformers that entry into a life of prostitution was not a matter of free choice, or explained by social or economic

deprivation, but was caused by the dastardly wiles of a clandestine and vile league of exploiters.

The Lords' Select Committee was also asked to investigate the extent of child prostitution in Britain. The evidence satisfied their Lordships that a trade in English girls for European brothels had existed. Moreover, while the victims were not in all cases of impeachable moral character, they had clearly been misled as to the conditions in which they would be required to work.[28] Both police and social reformers attested to the large numbers of working class children who were prostituting themselves in British cities, especially in London. Noticeably, however, the weight of the evidence suggested little in the way of coercion or involuntary restraint of these children. Thus Inspector Morgan and Superintendent Dunlap of the C.I.D., both men with police experience in areas of London in which prostitution was rife, could remember no cases in which girls had been held in a brothel against their will.[29] Although a number of witnesses pointed to social and economic factors which explained this errancy, greed and especially the desire for fashionable clothing were typically named as the prime motivations for the movement of young girls into prostitution.[30]

The members of the Committee felt that they had heard enough to warrant changing the law to make it a criminal offence to procure a women to enter a brothel or to prostitute herself outside the United Kingdom, whether or not she knew of the purpose of the procurement. On the domestic front, they advocated raising the general age of consent to sixteen years and that for unlawful abduction to twenty-one. Moreover, it was recommended that brothel keepers be open to conviction for receiving into their establishments girls under the age of sixteen, and that the police be given the power to search such establishments where they had reason to believe that juveniles were being harboured. They also advocated extending the powers of magistrates to remit delinquent children to industrial schools, reformative institutions established by legislation passed in the mid-1870s to provide both moral correction and work training to young people guilty of criminal offences, or in need of discipline.[31]

Early Canadian Attempts at Reform

In 1869, the existing vagrancy provisions in the criminal law were consolidated and expanded to embrace males found to be living on the avails of prostitution.[32] Provincial legislation controlling municipalities from both the pre- and post-Confederation periods contained provisions enabling municipalities to pass by-laws proscribing prostitution-related activities and establishments.[33] The recommendations of the Lords Committee were to induce some Canadian federal legislators to press for further reforms. As early as 1882, Mr. John Charlton, the M.P. for North Norfolk, introduced a private member's bill in the Commons for the punishment of seduction and other offences, including the inveigling or enticement of women into houses of prostitution. In doing so he made specific reference to the report of the United Kingdom Committee.[34] Unfortunately for its sponsor, and despite desperate attempts by him to revise it, the bill ran into increasingly heavy weather because of the attempt to criminalize seduction

through promise of marriage. This was seen by the traditionalists among his colleagues as a charter for female duplicity.[35] In 1884, the revised bill was killed in the Senate, although the government did undertake to introduce its own legislation in due course.[36] The *Act Respecting Offences Against the Person* of 1885,[37] a government measure, focused solely on procuring. The provision was more limited than that proposed by Charlton, in that the procuring of a woman for purposes of carnal knowledge or the inveigling or enticing of her into a house of ill fame or brothel was confined to cases of fraud. At a procedural level magistrates were given power to grant warrants to search premises where there was a reasonable belief that a woman who had been inveigled or enticed was being held.

The debates on Charlton's proposals suggest that some parliamentarians were satisfied that the exploitation of girls and young women was a fact of life in Canada at that time. Mr. Coursol from Montreal, a criminal lawyer, was one of these:

> It is a well-known fact that in all large cities, especially now that hundreds of passengers, by cars and steamers, arrive in a city during the night as well as day, cases of this description come before the Courts. Anyone who reads the newspapers will be struck with the numerous offences of this kind, and there is now no real remedy for them. We hear of respectable girls coming from the country, alone and unprotected, being sent to an address in a certain street in Montreal or any other large city, and being taken by a carter with some associates to houses of ill-fame. The police and authorities know well that such cases occur, and we should put a stop to such practices. It is high time the morality of the country should be maintained by such a law as is proposed. At present we see fathers coming to cities in search of a daughter and mothers deploring the loss of their daughter's virtue; and all that for the want of such a law as this. Men looking for these kind of passengers have accomplices; they draw out a plan and wait for their arrival, and when one of these girls arrives and wishes to be conveyed to a certain address a carter will drive her around the city for probably half an hour and will land her in a house of prostitution.[38]

Sir Richard Cartwright put it more tersely, but graphically, when he remarked:

> As to the facts stated by a member for Montreal East, everyone who knows anything of large cities, knows that there are in them a number of vile hags who deliberately plot for the purposes of destroying innocent young girls who fall into their clutches.[39]

The growing opinion that greater legal protection needed to be afforded to women and children is also evidenced by the establishment in Montreal of the Society for the Protection of Girls and Young Women. This organization, which had been formally established in 1883, had developed its particular mandate at the behest of D.A. Watt, one of its founders, who was convinced that the procuring of girls and young women was widespread.[40] Although the early minutes of the organization, which was primarily in the business of "rescuing" and caring for girls and women in trouble or distress, are too terse to develop a strong feel for actual operational

experience, there is a clear sense that its officers and board shared Watt's views. During 1883, considerable regret was voiced by the Society over the Senate's blocking of Charlton's bill, and a petition was submitted to Parliament early in 1884 supporting the legislation.[41]

Greater success was achieved in this period in legislating for the reform and rehabilitation of prostitutes. The rescue impulse in Canada was as strong as it was in Britain. This concern was reflected by the establishment, primarily by female activists, of a number of refuges or shelters for reformed or potential prostitutes. These institutions were often given legislative sanction in the Provinces, and girls and women were referred to them by the courts.[42] When it became apparent that these institutions, with their rather grim combination of religious education and limited job training, were meeting with little success, the policy in Canada shifted to special women's prisons, to which prostitutes could be consigned for significant periods of time, during which correctional programs fitted to their needs would be able to take effect.[43] At the same time, the state began to address the problem of prevention. In 1879, the first legislative steps were taken in Ontario to remove delinquent children from their adverse surroundings and dissolute parents to industrial refuges in which proper values could be inculcated. Included were young girls deemed to be in need of protection from the lure of prostitution.[44]

Enter W.T. Stead!

Despite the growing pressure in both countries for resolute action by government, a contrived crisis and the emotion which it generated, rather than rational debate, was to force changes in government policy. The British Parliament had proven singularly indifferent to the report of the Select Committee, and seemed disinclined to remedy the gaps in the law which the Committee had identified. By 1885, some of the leading reformers had had enough of official prevarication and had enlisted the help of the crusading journalist, W.T. Stead, to force the hand of the politicians. Stead, who was not known for his caution, concluded that the best way to arouse public concern was to demonstrate how easy it was to buy a young English virgin for purposes of prostitution. Following a lead supplied by Mrs. Butler, and with the help of Bramwell Booth, the son of the founder of the Salvation Army, he engineered the purchase of a fourteen-year-old girl whose mother was apparently ready to dispose of her for a price.[45] He also published a series of revelations in the *Pall Mall Gazette*, which he edited, of the investigations of a "secret commission" into the reality of vice in London. In the "Maiden Tribute of Modern Babylon," as the series was entitled, Stead condemned child prostitution as the most vicious form of "white slavery." Working class children were, he claimed, being coerced into lives of depravity by all sorts of strategems, from deceit to the use of force and drugs.[46] These "revelations," and Stead's subsequent imprisonment for the abduction of Eliza Armstrong, the fourteen-year-old subject of his strategem, created a massive outburst of public indignation, as individuals throughout the social and political structure rallied to the cause of social purity.[47] In this emotion-charged climate, questions that might well have been raised about Stead's methods and the reliability of his information were ignored. For its part, Parliament, which

was heavily influenced by this outpouring of public sentiment, passed the *Criminal Law Amendment Act* of 1885.[48]

The Act, which was to provide the inspiration and much of the form of subsequent Canadian legislation on procuring and bawdy houses, was aimed at the exploiters. It established a series of procuring offences designed to protect girls and women from those who would lead them into prostitution, either at home or abroad. Offences were to be punished with imprisonment up to two years "with or without hard labour."[49] The procuring of the defilement of a woman by threats, intimidation, fraud, or by the administration of a drug or other stupefying agent was also proscribed and a similar penalty attached.[50] The Act raised the age of consent to carnal knowledge to sixteen years and made it an offence for a householder to permit the defilement of a girl under sixteen years on his premises, or to abduct a girl under eighteen for purposes of carnal knowledge.[51] The detaining of any woman or girl against her will for purposes of carnal knowledge by any man or in a brothel was established as an offence, punishable with up to two years in prison.[52] Moreover, justices of the peace were empowered to issue search warrants for premises where there was reason to believe that a woman or girl was being held against her will, in order to effect her rescue.[53]

By way of stiffening the laws relating to brothels, the keeping, management, lease or occupation of premises used as a brothel, and the permitting of the operation of a brothel by another on one's property, were established as summary conviction offences subject to a fine of twenty pounds or up to three months in prison, "with or without hard labour."[54]

The Criminal Law Amendment Act and its Impact in Canada

The U.K. legislation did not escape the eagle eye of the indefatigable Mr. Charlton in Ottawa. He produced a further bill in 1886, which in addition to addressing his pet aversion, seduction, also contained several provisions taken from the imperial legislation. In addition to a section proscribing the inducing of carnal knowledge of a girl under sixteen by the owner or occupier of premises, Charlton's bill contained an exemption from criminal liability for a woman or girl held captive in a brothel who had to take clothes which were not her own in order to escape.[55] On this occasion Charlton achieved greater success. His general provision on seduction and a more limited one on seduction under promise of marriage as well as that on inducing carnal knowledge were adopted.[56] The quaint exemption for escapes was rejected. Despite Charlton's spirited attempts to discredit the double standard of morality in the existing law, and in particular his contention that he had heard of frequent cases of females being held captive in brothels with their clothes confiscated, the prevailing view seems to have been that Canada did not need the strong medicine served up in the *Criminal Law Amendment Act.*[57] This was certainly the view of Mr. (later Sir John) Thompson, the Minister of Justice, and Mr. Davies of Queen's.[58] Indeed, the latter opined that "a new criminal offence ought not to be created by Parliament without its having some facts to justify it."[59]

The Campaign of D.A. Watt

Canada, largely as a result of parliamentary scepticism about the existence or extent of "white slavery," had opted for a pale shadow of the 1885 British legislation. D.A. Watt, of the Montreal Society for the Protection of Girls and Young Women, set out to change that. From the late 1880s to 1892, he waged a well coordinated and ultimately successful campaign to have the criminal law afford far greater protection to women and children. Watt, who admired the success of W.T. Stead in bringing the Imperial Parliament to its senses, had already been successful in persuading three of the leading Protestant churches — the Presbyterian, of which he was a member, the Congregational and the Methodist — that pressure should be brought on Ottawa to recognize the reality of the sexual exploitation of poor women and children, and to afford them protection from the wiles of procurers, seducers and abductors by the enactment of stiff criminal law provisions.[60] Working through the Society as the Chairman of its Legislation Committee, he drafted a series of bills which were forwarded to the Department of Justice.[61] These various proposals for reform were collected and published in 1890 in a pamphlet, *Moral Legislation, A Statement Prepared for the Senate*. Among the proposals contained in the document were an increase in the age of consent to carnal knowledge from twelve to sixteen years of age, the extension of the abduction law to protect poor girls as well as heiresses, the imposition of a precise legal obligation on parents and other guardians to take responsibility for protecting their children, the punishment of those procuring girls and women for prostitution and service in brothels both within and outside Canada, and the general protection of the young from vice.[62] In pressing his arguments, Watt was careful to draw upon the experiences of other jurisdictions, especially the United Kingdom and American states, which had shown more legislative vigour in this regard than Canada. He also noted the paradox that Parliament, by contrast with its irresolution on the sexual exploitation of girls and women, had had no trouble in protecting the nation's cattle by the criminal law.[63]

Watt became particularly animated when in 1890 changes to the criminal law were proposed which partially ignored his earlier work. A barrage of letters from Watt to the Department of Justice ensued, in which he reiterated his position. He also sent his pamphlet to the Department.[64] Although the interim provisions introduced by the Minister of Justice, and passed in 1890, met a number of Watt's concerns, it was not in the character of the man to be placated by half measures.[65] As the *Criminal Code* was being prepared for Parliament in 1891, he was pressing again for the raising of the age of consent to sixteen and for extended protection of females from procurers.

The Criminal Code and Morals Offences

If Watt had any doubts about the beneficial impact of his lobbying, they must have been allayed by the final version of the Code. As Parker has remarked, "[a]s a result of his efforts, Canada's *Criminal Code* of 1892 had and retains the most comprehensive system of offences for protecting young women and girls from

sexual predators.''[66] In fact, Watt was the only one of those responding to the draft Code who seems to have had any influence on its final substance.

In addition to provisions proscribing carnal knowledge of a girl under fourteen on any account, and the seduction of and illicit connection with previously chaste girls between fourteen and sixteen, women under twenty-one under promise of marriage, wards, servants and female passengers on vessels, the Code also included detailed provisions on procuring.[67] Women under twenty-one who were not common prostitutes or ''of known immoral character'' were protected from procuring for the purposes of ''unlawful carnal connection'' within or outside Canada.[68] It was an offence to inveigle or entice any woman or girl into a house of ill fame or assignation, as it was to procure or attempt to procure any woman or girl to become a common prostitute in Canada or abroad.[69] Women and girls were protected from procurement to or from Canada for service in brothels, and from unlawful carnal connection procured by threat, intimidation, fraud or the application of ''any drug, intoxicating liquor, matter, or thing.''[70] All of these offences were punished by up to two years imprisonment with hard labour. The procurement of a girl under sixteen by a parent, guardian or householder for purposes of carnal knowledge, defilement or prostitution drew stiffer penalties, up to fourteen years imprisonment depending on the age of the victim.[71] Like the *Criminal Law Amendment Act*, corroboration of the victim's story was required in the case of the procuring offences.[72]

In relation to the keeping of a bawdy house, which up until then had been dealt with under the vagrancy laws, an additional offence was included in the nuisance part of the Code prescribing up to one year's imprisonment for the operation of such an establishment.[73] Provision was also made for the securing of a search warrant where there was reason to suspect the harbouring of a woman or girl inveigled or enticed into a house of ill fame or assignation.[74] No special offence was included to cover the case of a landlord permitting his premises to be used as a bawdy house. In this the Code fell short of the protection afforded by the earlier British statute.

The Relevance and Efficacy of the British and Canadian Legislation

The enactment of the Code provisions produced a substantial concurrence of British and Canadian legislation on prostitution-related offences. Without a clearer picture of the realities of the sexual exploitation of women and children in the late Victorian era, it is difficult to assess with confidence the wisdom of this legislation. With the exception of enquiries such as that undertaken by the Select Committee of the House of Lords, and the occasional concrete case referred to by the social reformers, the debate on ''white slavery'' typically took place at a level of generality that belies any great faith in the reliability of all the claims made. In this era and later, there was a good deal of ''as everyone knows,'' or ''as we read almost daily in the newspapers,'' and little concrete fact.[75] This is surprising because the collection of statistics was by then well developed, and common in many other spheres of social investigation.

What can be said on the incomplete state of the record? Clearly there was firm evidence in the United Kingdom of a trade in British girls for continental brothels in the 1870s and earlier, a trade that was facilitated by the absence of an appropriate offence in English law. Although, as the Committee noted, the trade had dried up because of the action of continental law enforcement agencies, clearly there was a problem that needed a domestic response. The revelations of the witnesses before the Select Committee on child prostitution in Britain indicates that this was a major social problem at the time. Moreover, the arrest in 1885 of the infamous London brothel keeper, Mrs. Jeffries, and her subsequent conviction for running an establishment in which young girls were made available to wealthy clients for sado-masochistic purposes, demonstrates that there were examples of institutional perversion which required resolute action by the law.[76]

In Canada, the minutes of the Montreal Society for the Protection of Girls and Young Women indicate that the welfare of street children was a very real concern.[77] Undoubtedly, too, there were cases of girls being led astray unwittingly by predatory males. A case of this type in Ontario became the subject of a successful prosecution of a dentist, MacNamara, who placed a nineteen-year old with whom he had had sexual relations in a brothel in Toronto.[78]

Given these genuine concerns, there is absolutely no doubt that there was call for changes in the law to protect those under age. As Parker has observed of Watt, "[he] was a sensitive advocate of children's rights who wanted neglectful and abusive parents brought under legal control. He proved to be an effective prophet in seeking the intrusion of the State in protecting children, not only from immoral but also from physical ill-treatment by parents and guardians, and by demanding the end of inhumane incarceration of juveniles in adult penal institutions."[79]

There is nevertheless something of an air of unreality about the breadth and thrust of the legislative provisions. Both their form and rationale reflected the view that the most serious problem with prostitution was the external exploitation to which it was subject. The exploiters were seen as sinister, shadowy figures who were in the business of seducing or abducting girls and women to serve in establishments from which there was no easy means of escape. This thesis seems to have been a construct developed from several sources, factual and otherwise: the trade in English girls in the 1870s, the Mrs. Jeffries exposés of 1885, the strange brew of fact and fiction served up by W.T. Stead, press accounts and court reports of actual occurrences, and over-imaginative reporting and editorializing on the extent of the problem.

The legislation and its assumptions were deficient in a number of respects. In the first place, the reformers and legislators ignored the economic and social forces which led women and girls into prostitution. In their concern to apply middle class morality to working class problems, they failed to understand that if this was a moral problem it was one of the social immorality of consigning working class families, and females in particular, to the type of living conditions and lack of economic opportunity in which prostitution was seen as an attractive option. As Gorham has pointed out in the British context:

> There was a chronic oversupply of girls for a limited amount of ill-paid

> work, which included semi-skilled or unskilled labour in small shops or factories, or unskilled homework. If girls from the poorest class became domestic servants, they worked in small households as ill paid maids-of-all-work. It was the brutal bleakness of their lives that probably led many young girls into prostitution. The money and the excitement of the "gay" life must have seemed very attractive to a fur puller who made a few shillings a week or a domestic servant who had to sleep in a damp basement.[80]

Gorham goes on to suggest that, if they had appreciated the importance of these cultural and environmental factors, the reformers would also have recognized that working class females, even young girls, were far from being "passive, sexually innocent victims." Typically they were individuals who had been toughened by the realities and demands of working class life, and who were well aware of what they were doing and why.

> The overt implication of this [reforming] rhetoric is that those who are in need of protection are either so weak and defenceless or so ignorant that they cannot protect themselves against an obvious danger. What the rhetoric of protection obscures is that those whom the reformers sought to protect did not behave as if they saw themselves as their would-be protectors did. Although the social purity reformers did not like to admit it openly, it seems fairly clear that the majority of young girls who were prostitutes had not been drugged or physically coerced but had chosen to be prostitutes. A much larger number of girls and young women had illicit sex not for gain but out of personal inclination.[81]

By the age of twelve the surveillance of working class children in the Victorian era by their parents was rare. They were expected by that age to earn their keep, which for girls often meant working outside the family as domestic servants. Within the crowded and squalid conditions in which they had lived with their families, sexual exploration and experience were by no means rare.[82] In addition to this they were not infrequently subjected to sexual abuse by their employers.[83]

A third problem relates to the identity of the exploiters. Granted that prostitution attracts its share of exploiters, the sensationalism surrounding the "white slavery" exposés seems to have deflected attention from the true character of the majority of those who lived in whole or in part on the profits of prostitution. We know, for instance, from Backhouse's research on the nineteenth-century Toronto gaol records, that a proportion of those who ran bawdy houses in Upper Canada and Ontario were women of the same background and social circumstances as the prostitutes.[84] It does not require too much reflection to conclude that these people may well have started out as prostitutes, and "graduated" to brothel keeping as the opportunity presented itself or advancing age overtook them. Furthermore, it is not improbable that a proportion of the males involved in exploitation were from the same class, and the same socio-economic background as the prostitutes. Unemployment and underemployment were not confined to females in Victorian Britain and Canada. Pearson has demonstrated that these economic realities also explain the prevalence of delinquent traits among working class male youth

throughout the nineteenth century in Britain.[85] None of this is to assert that there were not other more sophisticated and slippery exploiters at work (indeed, one suspects landlords of premises used as brothels made handsome profits from the trade), but rather to suggest that the thesis that the latter constituted the bulk of those who profited by prostitution may be a distortion, again deflecting attention from the broader economic and social realities of prostitution.

A fourth concern relates to the way in which the reformers seem to have ignored their own logic. Given their obsession to view the woman or girl who had succumbed to prostitution as a victim of male wiles, it is strange that this draconian body of law against exploiters was added to the existing law which penalized the prostitutes, rather than replacing it. D.A. Watt, it is true, worried about the harshness of the penalties exacted from girls and women under the vagrancy provisions of the criminal statutes for prostitution-related activity, but only went so far as to suggest a lesser maximum penalty.[86] Josephine Butler who believed strongly in the need to protect prostitutes from legal harassment, and to guard against excessive legislation if personal freedom was to be preserved, seems to have been so committed to the objective of raising the age of consent that she temporarily submerged her misgivings about repressive law when supporting the *Criminal Law Amendment Act.*[87] Even more puzzling is that, with the exception of Mr. Samuel Smith of Liverpool, a member of the British House of Commons, no one seems to have been willing to press publicly for the general criminalization of the customers of prostitutes.[88] One would have thought that a movement which was committed to the abolition of prostitution would have recognized the importance of striking at the very source of the demand. The answer to the first of these riddles has to be found in the schizophrenic Victorian middle class view of prostitution. Although the reformers were convinced that working class girls and women were all too often being led into prostitution by rogues and bounders, they were still inclined to believe that some of the blame had to be attached to the lax moral values of that class.[89] Whether the danger was potential or realized, the "victim" was someone who probably had been inclined to sexual irresponsibility. Viewed in this light it was necessary to show the female the error of her ways, by moral guidance and reproof where she had not yet gone astray, and by criminal law sanction where she had joined the ranks of the "fallen." The failure to extend the reach of the criminal law to the customer may be explained on more pragmatic grounds. Here the problem was not with the reformers but with the opposition. Despite the success of the social purity campaign, the idea that prostitution was inevitable, even necessary, was still strongly entrenched within male society. Although the proponents of that view felt it politic to punish the commercial exploiters of prostitutes, they were not willing to strike at those who were merely satisfying natural sexual urges. The politicians responsible for the legislation were not willing to jeopardize its enactment by suggesting a more radical expedient which they feared might produce a backlash against the enactments as a whole.[90] The strong pressure for the inclusion of the corroboration provisions on procuring, to which the British Parliament succumbed, suggests that this concern may not have been entirely fanciful.

The New Law in Action

The practical consequences of the nineteenth-century campaigns in Britain and Canada reflect the confused motives and misplaced zeal of those who led the campaigns.

In Britain, the events surrounding the passage of the *Criminal Law Amendment Act* in 1885 were to herald an extended period of moral fervour. Not only was there continuing pressure for the law to be used with vigour to clean up existing sources and centres of vice, but new villains emerged who required the law's attention. There were in fact two strains to the British movement to deal with the scourge of prostitution.[91] The first was that of rescue and reform, represented by Josephine Butler and her followers, the major objective of which was to care for and work with prostitutes, rather than to repress. Repression was viewed as a policy which was more likely to victimize the prostitutes than anyone else.[92] The other strain, which received a considerable boost from W.T. Stead's campaign, viewed aberrant sex in all its forms as potentially destructive to the family in particular and society in general, and as something to be extirpated by whatever means necessary, including the application of the full force of the criminal law. The institutional embodiment of this view was the National Vigilance Association, which was established in 1885 at the height of Stead's crusade.[93]

Largely through the energetic exertions of local chapters of the Association, aided by other organizations established to stamp out vice and promote morality, some of the clauses of the 1885 Act were quite vigorously enforced. This was particularly true of the provisions relating to brothels. In many communities the police, pressured by the social purists who were not beyond resorting to direct action, achieved considerable success in closing down known brothels and houses of assignation.[94] Indeed, even sceptical police officials were impressed at the apparent improvement in conditions in their communities.[95] However, despite the appearances, the record suggests that while prostitution may have become less attractive to working class girls and women, it did not die out, but rather re-emerged elsewhere in less visible and dramatic forms. Moreover, because of its even more dubious status within the law, new agents of exploitation appeared on the scene.

The crackdown on the brothels produced some movement back onto the streets, and increased the incidence of rendering sexual services in public. The vagrancy laws, while limited in efficacy because of the need to establish an element of nuisance in the conduct of the prostitute, could be and sometimes were used to clean up affected areas. However, street prostitution continued to infect less salubrious areas of most large cities, as police enthusiasm for its prohibition waxed and waned, and as the prostitutes adjusted to the prevailing requirements of what constituted a nuisance.[96] The campaign against the more notorious brothels also meant that prostitutes became more discrete in where and how they operated off the street, resorting more and more to rented accommodation. They were not necessarily safe there from the reach of the law, as the 1885 Act also struck at those who permitted, or were aware of prostitution on their premises. The social purists made sure that pressure was directed against the landlords, with the result

that the latter became wary of renting to single, suspect women. The ironic result was to contribute to a new round of "white slavery" hysteria which led prostitutes to take up with men, ostensibly their husbands, to achieve "respectability" as a means of securing a residence. Pimps or "bullies," as they were known, thus became a far more significant force in the prostitution business.[97]

The growth of pimping, which was a direct result of the social purity crusade after 1885, was predictably addressed by the enactment of further legislation in 1898, which made living on the earnings of a prostitute a criminal offence for the first time in England.[98] The pimp quickly became the latest and most despicable demon in the social purists' lectionary. The fact that an increasing number of pimps who were charged were foreign immigrants, and in some cases associated with foreign prostitutes, added to the sense of outrage and fuelled the fires of white slavery panic.[99]

The forces that fought so vigorously for suppression in Britain had their counterparts in Canada. Here, however, apart from local campaigns to stamp out vice, the fight against the social evil took place in the context of a broader concern with promoting social purity. In the forefront were organizations such as the Womens' Christian Temperance Union, which developed a national organization in 1883, the Young Womens' Christian Association, the National Council of Women founded in 1893, and the national protestant church bodies, especially the Methodist and Presbyterian Churches.[100] These bodies had a whole range of social evils on their agendas, not least the demon liquor, and some of these must have seemed more pressing and ubiquitous than prostitution. This fact, as well as the constraints of geography, had for a time a tempering effect on the campaign against prostitution, which provides something of a contrast to the British experience.

For the years immediately after the enactment of the *Criminal Code*, little seems to have happened on the law enforcement front. The criminal statistics do not show a decisive, upward trend in the convictions for abduction, seduction and the vagrancy offences of keeping, frequenting, or being an inmate of a bawdy house — the only categories of morals offences specified. The figures do not meet the anticipation caused by the reformers' revelations.[101] The figures for abduction between 1887 and 1897 ranged between zero and seven per year. There were no convictions for seduction for the three years from 1887 to 1889.[102] Thereafter the number of annual convictions varied between three and twelve per year. The convictions for the bawdy house offences were far more numerous, although there is no way of breaking them down between the three categories covered.[103] The figures for the period 1887 to 1897 are:

1887 - 444	1892 - 811
1888 - 410	1893 - 600
1889 - 586	1894 - 460
1890 - 802	1895 - 663 (Males 182/Females 278)
1891 - 734	1896 - 671 (Males 224/Females 439)
1897 - 855	(Males 336/Females 519)

There are no entries for either defilement or procuring, nor for the nuisance offence of keeping a bawdy house, which suggests that convictions for these offences were either non-existent or so minimal as not to warrant reporting.[104] Apart from the very low figures for abduction and seduction, which were almost exclusively male offences, the greater number of convictions for prostitution-related offences were registered against women, as the bawdy house figures show. The double standard seems to have been firmly imbedded in Canadian law and in its enforcement.[105]

It may be difficult to determine with any confidence the reasons for the small number of offences of abduction, seduction and procuring. Pragmatic explanations, such as police inaction and the difficulties of proceeding against exploiters, may partially explain this. There is certainly evidence that both the Mounted Police and municipal forces were at best ambivalent about crackdowns on prostitution, concluding that their often inadequate manpower was better used to combat other forms of criminality.[106] Often it was only on the basis of complaints that they would move against offenders other than those publicly soliciting for their trade. It is also entirely possible that the small number of convictions for abduction, seduction and procuring was also a reflection of the relatively small number of individuals actually involved in this type of conduct. The impression which emerges from both police records of the period and contemporary reports is that by far the greatest number of reported incidents of "exploitation" involved the actual operation of brothels, bawdy houses and house, of assignation. A preliminary survey of the Toronto Police Register of Criminals for the period from November 23, 1892 to May 4, 1895 indicates that the most frequent form of exploitative prostitution to which the police responded was the operation of a small rooming house, or houses of assignation with a keeper, often a woman and probably a former prostitute, to whom money was paid for the space by either the prostitute or client.[107] This institutional pattern is confirmed by the eccentric Toronto journalist, C.S. Clark, in his anecdotal study of that city published in 1898.[108] Evidence from a number of western Canadian cities suggests that more stable, residential brothels were in existence there.[109] Again these were typically run by women who had themselves been prostitutes, and who, while they no doubt did well economically from their charges, were not vicious exploiters. They were also far from being shadowy characters, for they were well known to the police and to at least some of the citizens in communities in which they lived.

The New White Slavery Scare and its Legislative Impact

The dawn of the new century brought a decided increase in the concern surrounding prostitution and its exploitative elements, and a new wave of repression. A number of factors combined to produce further white slavery hysteria during the first decade which was international in its embrace. In Britain, the emergence of pimps in greater numbers, and their classification as foreigners, created a new domestic villain to rekindle fears over the safety of women. In this instance the danger was one which was not seen as confined to working class females, but extended to virtuous womanhood as well. Along with this fear the British public

were being increasingly exposed to revelations about the international white slave traffic and its extent.[110] During that period there was a significant trade over national borders and by steamship of females lured from disadvantaged locations in eastern Europe, the Levant and the Orient to serve in brothels elsewhere.[111] Indeed, the traffic of girls and women from China was to reach as far as the west coast of Canada.[112] William Coote, the energetic and visionary leader of the National Vigilance Association, and other reformist leaders had by the end of the nineteenth century decided, much in the way of their forebears who campaigned against orthodox slavery, that the international trade in women should be stamped out through British leadership. The result was the First International Congress for the Suppression of the White Slave Traffic in 1899 and the establishment of a Bureau in London to coordinate the movement and to work for a diplomatic convention. Although there was little evidence to suggest that the tentacles of this trade extended to Britain, domestic precautions were taken involving the establishment of a special bureau at Scotland Yard and the extension of the activities of travellers' aid societies. Moreover, in 1905 the *Aliens Act* was enacted to give magistrates the discretionary power to repatriate foreign prostitutes from Britain.[113] These measures, and the constant barrage of propaganda about the international dimensions of the traffick, implanted in the public mind the association of prostitution with sinister foreign forces typically located in Eastern Europe and the Middle and Far East.

The move to raise the international conscience about white slavery also affected public opinion outside Britain. On the continent it produced such a reaction against regulated brothels that a number of Western European countries abandoned that approach to prostitution and opted instead for criminalization.[114] It also contributed to heightened concern in the United States about white slavery.

It is unlikely that the international crusade would have evoked such widespread support if conditions had not been ripe in Western Europe and North America for the message. Ripe they were! The period before the First World War marks a period of high nationalism in which fears about the weakening of the racial integrity and strength of various peoples reached panic levels. In Britain it was seen as the moment of judgment for the imperial vision. In the United States and Canada it manifested itself in obsessions about the undermining of traditional Anglo-Saxon and Protestant values by the wave of new immigrants, many of whom were from non-English speaking countries, and worse still, Roman Catholic or infidel in their faith.

This strain of racism was strong among many of the advocates of social reform. It often permeated the thinking of those who were in the forefront of the social purity movement, whether they were advocating temperance, compulsory education or sexual chastity. It was also central to the suffragist movement which was pressing with varying degrees of ardour for the vote for women. Especially among those reformers and suffragists who saw the salvation of society in the strengthening of the family and the lauding of female virtues within that unit, the intrusion of strange values from without was particularly threatening, and required political responses that would neutralize the spread of alien ideas. As Bacchi has pointed out in the case of the Canadian suffragists:

> Many reforms in the suffragist programme aimed specifically at cleansing, Christianizing, and assimilating the immigrant. Through prohibition, the suffragists hoped to impose sober Protestant standards on the wine making foreigners. The demand for legislation to raise the age of consent for girls arose, in part, in response to testimony at the 1905 WCTU Convention that brides were being sold into slavery among "the debased population of southern Europe." The suffragists endorsed compulsory education primarily because they believed it to be the only truly effective means of transforming the immigrant into a Canadian. In the West, the majority favoured an "English only" policy in the first six years of public schooling, to remove "the large colonies of people in our provinces who have not adequate knowledge of the English language."[115]

The concern about flooding the country with immigrants was indeed used as an argument for extending the franchise to women. The grant of the latter, it was argued, would have the salutary effect of correcting the balance in favour of the native born.[116] Sadly, as Connelly has pointed out in the United States context, the apostles of reform were singularly lacking in an appreciation of the cultural values of those they despised, especially the centrality of family ties and obligations within those communities, and highly insensitive to the reality that the danger to the young female immigrant, the object of so much white slavery propaganda, was less her failure to adhere to traditional and therefore sound Anglo-Saxon values than the disruption of the cultural and social patterns which had sustained her in her homeland.[117]

The paranoia underlying white slavery was also buttressed by prevailing views on sex and sexuality. As Michael Bliss has shown, in the first fifteen years of the century educated Canadians were exposed to popular books on human sexuality, typically produced in the United States and approved by orthodox physicians and clergymen, which were destined to add to their other worries about prostitution.[118] In these works the message was simple: sexual excess was at best the cause of declining health, and at worst of complete physical and mental decay. Although the worst aberration was masturbation, which would surely consign its practitioners to the lunatic asylum, any departure from a policy of sexual restraint was destined to cause the culprit, if not his or her family, problems. These books espoused the accepted Victorian view of male aggressiveness and female passivity. Indeed passivity in the female was seen as nature's antidote to the male condition and thus as deserving the utmost respect. Sex for those over forty-five was considered taboo, and rigid avoidance of stimulating sexual thoughts essential for everyone if sexual propriety was to be preserved. Mixed into this strong brew were strange hereditary notions which held generations of offspring captive to the sexual indiscretions of their forebears. A particular fear which was emphasized again and again in the white slavery literature was that of venereal disease.[119] This dreaded and, until 1910, incurable condition above all others was seen as striking at the physical and mental integrity of the family and thus the race. The disease seemingly spread from women of loose virtue to men, to their wives, and was inherited by their offspring. When estimates were produced in the United States

which suggested variously that "60% of the adult male population in the United States contracted either gonorrhea or syphilis at some time in their lives," or "that 80% of urban males, and 60 to 70% of 'marriageable age' men had gonorrhea," the fate of Anglo-Saxon civilization must have seemed very much in the balance.[120]

All of these fears and the fantasies to which they gave rise were the stuff of an extensive literature, especially in the United States, designed to stir the consciences of the population, and to induce them to support moves for the suppression of vice. The books, which were unashamedly propagandist in tone, were typically filled with lurid and frightening anecdotes of girls and young women being coerced into lives of shame in the large cities. Staged pictures of abductions, photos of redlight districts and brothels, and pictures of children in orphanages and hospitals were included to add graphic point to the written message. Within their covers were the testimonials of experts — lawyers, doctors, nurses and clergymen — which added unimpeachable weight to the claims made.[121] The emotional climate produced by this combination of factors was a fertile one for the proponents of further tough legal proscriptions. The first steps were taken in the United States. Although there had been American counterparts to the social purity reformers in both Britain and Canada in the late nineteenth century, much of their energy had been directed towards opposing the attempts of municipal governments, aided by segments of the medical profession, to regulate prostitution.[122] The geographic vastness of the country, and state and municipal responsibility for criminal law under the United States constitution, made it difficult to translate concern about prostitution into a national campaign. The lack of a national strategy for prostitution meant every large city in the country had a complex of legislation prohibiting or controlling it, but operated a regime of tolerance within a well-established "red light district."[123]

By the turn of the century a national consciousness of prostitution and its ills was developing. Middle-class, protestant American was by then experiencing the sort of anxieties about industrialization and urbanization which had afflicted reformers in Britain in the 1850s and 1860s.[124] The same assault on traditional values which has been noted in the case of Canadian reformers was perceived and was associated with irresponsible attitudes towards sex, the movement away from Christian precepts and the influx of aliens ignorant of American traditions and customs. The emotions released by these realizations were strengthened by the investigations launched by a number of the major American cities into vice within their midst. These exposed the laxity of enforcement of the prostitution laws, as well as a record of graft and corruption among many politicians and city officials who benefited from the *status quo*.[125]

The major response to the "national" problem of prostitution in the United States was the *White Slave Traffic Act*, commonly known as the *Mann Act*, passed by Congress in 1910.[126] The Act not only sought to stop what was seen to be an extensive trade in procuring immigrant girls and women for service as prostitutes and in brothels, but also extended the prohibition to the transportation of females over state lines for prostitution or other immoral purposes. The latter provisions were justified and upheld by the courts under the Commerce Clause of the U.S. Constitution.[127] Before long the vast majority of states had their own

criminal provisions to counteract and suppress the white slave trade, as well as making the very act of prostitution a crime.[128] The effects of this translation of moral fervour into criminal law prescription were significant. By 1920 the redlight districts in all the large American cities had been shut down.[129] The result was not the suppression of the trade but its dispersal to less obvious locations. Thus dispersed, law continued to take an interest in prostitution, albeit an uneven and capricious one, an interest the predominant focus of which was the prostitute and her errancy. Indeed with the entry of the United States into World War I, concern about the health of the country's fighting men resulted in a new wave of repression against the "source" of the "social disease."[130]

The white slavery hysteria in Britain came to a head in 1912. Although the record of law enforcement in Britain, influenced as it was by the vigour of local vigilance committees, cannot be said to have been lax in the years since 1885, the hype which increasingly surrounded white slavery opened what Bristow has described as "a Pandora's box of repressed fears."[131] Pressure developed from a variety of sources for further action to suppress commercialized vice. Included were the social purists, the churches, including the Church of England, and the suffragists. Ostensibly the timing of the new drive for repression was about as bad as it could be with the Liberal Government of Asquith distracted by such diverse problems as Home Rule in Ireland, votes for women, the constitutional crisis with the House of Lords and its own social welfare program. Indeed in 1912 it seemed that any legislation designed to stiffen the law would meet with certain defeat. Fortunately for the reformers they were able to call in the assistance of the remarkable Mr. Stead, this time from an icy grave. He had gone down with the *Titanic*, characteristically, it seemed, in the company of the dispossessed, the third class passengers. Inspired by his gallantry the crusaders agreed to fight on. Late in 1912 in the midst of a new wave of white slavery fantasizing, the *Criminal Law Amendment Act* was passed.[132] The bulk of the Act was designed to tighten up the law relating to brothels, in particular by extending the class of those permitting the use of premises to persons in charge, requiring a repeat offender to enter into a recognizance to be of good behaviour and incorporating a power granted to the landlord to terminate a tenancy where the occupant had been convicted of permitting the premises to be used as a brothel.[133] However, its most significant and evocative provision was an amendment to the 1885 Act which allowed courts to prescribe the whipping of a procurer in addition to a prison sentence.[134] Procurers thus joined homosexuals as the vile objects of the social purists' wrath.

With the passage of the legislation the panic seems to have subsided. Prostitution in Britain was to survive the increasingly repressive law, although with the exception of street prostitution, which was assisted by the limiting terms of the vagrancy provisions, it seems to have been practised more discreetly than before. As in the United States, it was the prostitute who was most frequently on the receiving end of the law.

Events in both the United States and Britain were to have their effect on Canadian thinking and legislation. The combination of factors favouring more

repressive law outlined above were operative in Canada too, although there is some evidence that further legal proscription was not seen as the major solvent.[135] By the early years of the present century the white slaver had made his way into the demonology of social reform groups in Canada. Increasingly, a loose alliance of women's groups, purity activists and the major Protestant churches were calling for more significant political and social action to counteract prostitution in general and white slavery in particular. Again, possibly for reasons of geography, the major political initiatives seem to have been on the local front. During the first decade of the century the reformers began to realize that while the national statistics showed an overall increase in convictions, especially for bawdy house offences, in some communities the prostitution laws were not being enforced with consistent vigour.[136] In the more settled regions of the country this seems to have reflected the view of the law enforcement authorities that the problem was not going to go away, however hard they tried, and that they had more important tasks on which to expend their time, effort and money. In the frontier cities of the West prostitution was seen, as it was in Halifax, as a means of providing for the sexual satisfaction of a surplus male population.[137] The impulse to turning a blind eye was also assisted by the diminutive size of some prairie police forces. In 1906, for example, the complement of Calgary's force was six including the Chief.[138] Whatever the stage of a city's development the police authorities often found that the benefits of toleration, in terms of limiting institutionalized prostitution to clearly defined areas and using them as sources of information about other forms of criminality, outweighed their impulses to repress.[139] Civic administrations, despite contrary public assertions, were often in agreement with this policy.

The policy of toleration was, of course, an anathema to the reformers for the reasons so often repeated in the crusade to stamp out prostitution: the gracing of the activity with state approval, the institutionalization of the double standard of morality between male and female, the protection and encouragement of the exploiter, and so on. These sentiments were buttressed by the increasing commitment of the Methodist and Presbyterian Churches in particular to the "social gospel" and its clear message that the improvement of society was not only possible but the duty of the faithful.[140] Toleration was also opposed for more pragmatic reasons by community and business groups worried about the effect on their neighbourhoods and families and the potential detriment to property values and business opportunity.

The first fifteen years of the present century were to mark a sustained campaign in various Canadian cities by the reformers and their allies to have the prostitution laws enforced and institutional prostitution suppressed. These campaigns met with mixed success as far as their proponents were concerned. In Winnipeg, the Police Chief, McRae, and the city administration under Mayor Sanford Evans had contrived to solve the problem of prostitution by moving the brothels to an area in which minimal friction would take place. Outrage with this policy from the reformers and the reported observation of a leading social purist, the Presbyterian Rev. Dr. J.G. Shearer, General Secretary of the Moral and Social Reform Council, that "[t]hey have the rottenest conditions of things in Winnipeg in connection with the issue of social vice to be found in any city in Canada" led to

the establishment of a provincial Royal Commission to look into the control of vice in the city.[141] Despite the fact that the report condemned the segregated area, and found that the law was not being enforced, the incumbent mayor won the intervening election in 1911 with the result that few changes took place.

By contrast, in Calgary steps were taken to improve the situation. In 1907 a provincial Royal Commission was set up to investigate the alleged non-enforcement of the prostitution laws and found that the law had been largely ignored, although it exonerated the Police Chief of any wrongdoing.[142] In 1910 Chief Thomas English was replaced by one of his men, Thomas MacKie. When the latter ran into opposition from his force with a "get tough" policy on prostitution, and the level of convictions declined, he was replaced by Alfred Cuddy, an inspector from Toronto. Cuddy launched an immediate campaign against the existing brothels and made it increasingly difficult for keepers to set up new establishments. Indeed, the convictions for prostitution-related offences increased markedly after 1910.[143]

In Vancouver change was worked without the interposition of an official enquiry. Up until 1904 the policy of the police had been one of toleration, with prostitution establishments operating in *de facto* segregated areas.[144] Thereafter the police and the Board of Police Commissioners were subject to almost constant pressure from the Vancouver Moral Reform Association and community and commercial groups intent on ridding the East End of this scourge. The impulse of the Board was to authorize periodic raids to show willingness to address the problem, and where the pressure became too great, to relocate the brothels. Reflective of the racial climate in the city at that time was the blithe assumption that Chinatown would be an appropriate haven for the trade! The continuing pressure, however, meant that no district was free from public scrutiny for long. In 1913 with the election of a reformative mayor, Baxter, the last restricted district was closed. As Nilson has pointed out, the prostitutes and their sponsors had already got the message, and prostitution in Vancouver had become effectively decentralized.[145]

The police in Toronto seem to have taken their responsibility to enforce the law more seriously than their western Canadian counterparts. Even in that relatively stable environment, however, with its professional force, there is evidence of ambivalence in both attitude and practice. As Rotenberg notes, the police in Toronto liked to give the impression that they were applying the law with vigour, in particular against brothels and street prostitutes, while privately recognizing that there were limits to the effectiveness of any policy of outright repression.[146] The Social Survey Commission, which in the tradition of the American vice commissions studied prostitution in Toronto between 1913 and 1915, found that the police department dealt with prostitution much less harshly than with other offences.[147] According to its researchers, two thirds of the cases involving prostitution which went through police hands between January 1, 1911 and June 30, 1914 never made it to court, suggesting that the police preferred to deal with these cases informally. Although Toronto seems to have been spared the bursts of outrage noted in the other cities, there was definite concern among the reformers.

Indeed, it was in the wake of representations by the Toronto Council of Women that the Social Survey Commission was established.[148]

In the hinterland of northern Ontario there was also evidence of laxness in enforcement. Complaints from a number of communities, normally channelled through the Methodist or Presbyterian Churches to the Department of the Provincial Attorney General, suggest that neither the police nor the local magistrates were enforcing the law with the necessary sense of mission.[149] The Department was usually moved to investigate, sometimes using outside detectives to test the accuracy of the complaints, and in several instances issued directives to both police magistrates and the police themselves to enforce the law more resolutely.[150]

The links between these local initiatives by the reformers and the development of government policy at the national level have yet to be explored in detail. It is clear that the national temperance, women's rights and church organizations created and maintained a climate in which the evils of white slavery were very much in the public domain. Both the National Council of Women and the WCTU were active in lobbying on a range of social issues, including white slavery.[151] Social purity advocates, such as the Rev. Dr. Shearer of the Moral and Social Reform Council, were also vocal in telling the politicians in Ottawa what was expected of them.[152] Parliamentary discussion during the period also points to pressure by the Roman Catholic hierarchy in Montreal, which was concerned about the proliferation of houses of ill fame in that city.[153] The speed with which the Liberal Government of Sir Wilfred Laurier responded to MacKenzie King's revelations about drug use in Vancouver in 1908 suggests that sympathetic ears could be found on the political front in Ottawa on the issue of social purity.[154]

Responding to the growing chorus of voices in the country advocating the expansion and stiffening of the criminal law to combat commercialized vice, the new Conservative Government in Ottawa was moved to act in 1913. The *Criminal Code Amendment Act* of that year contained a number of provisions relating to exploitation in prostitution.[155] Following the lead of the British Act of the previous year, although limiting it to a second or subsequent offence, whipping was added as a discretionary penalty for procuring.[156] The procuring provisions themselves were revised to drop the limitation of twenty-one years for the victims of the offence, and to exclude prostitutes from the protection of the inveigling offence. The Act also added the offences of concealment in a bawdy house, of spiriting new arrivals to Canada to bawdy houses and of exercising control, direction or influence over a female for purposes of prostitution.[157] Procuring also became an offence subject to arrest without warrant.[158] A new exploitative offence of living wholly or in part on the avails of prostitution was added, supported by a presumption of guilt where the accused lived with or was habitually in the company of prostitutes with no visible means of support, or residing in a house of prostitution.[159] The bawdy house provisions were tightened up by presuming a person who appeared to be a master or mistress to be one, treating the landlord as a keeper if he failed to eject a convicted tenant, and adding new offences of permitting the use of premises as a bawdy house, and of being a "found in."[160] A presumption that premises were a disorderly house was also established by the

willful prevention or obstruction of a peace officer from entering.

The Hansard reports of the debate on the legislation give little clue as to the government's motivation. All the Minister of Justice, Mr. Doherty, offered in the way of explanation was that the package of amendments to the moral offences was designed to deal more effectively with white slavery.[161]

The Effects of Fifty Years of Moral Fervour

The legislative changes wrought in 1913 effectively rounded out the complex of morals provisions in the Canadian *Criminal Code*. Indeed, with the exception of the repeal of the streetwalker offence in the vagrancy section in 1972, and other changes made to reflect more clearly the reality that exploitation and prostitution can be practised by either sex, the law in 1913 is basically that which applies today.[162]

The criminal statistics for the first seventeen years of the century, and especially for the years 1912 to 1917, might well have suggested to the social purists that there was some chance of their dreams being realized. The figures for convictions for seduction and abduction remained modest, although there was a discernible jump in the conviction rate in the second half of the period. During the first ten years the average annual conviction rate for seduction was 9.1.[163] For the years 1911-1917 the conviction rate increased to 34.14 per annum.[164] A similar, although more modest increase, was experienced in the conviction rate for abduction, from an average of 7.8 for the years 1901-1910 to a figure of 18.57 for the period of 1911-1917.[165] More encouraging perhaps was the fact that convictions for procuring became numerous enough to warrant reporting from 1911. Although the conviction rate vacillated between eleven and sixteen a year between 1911 and 1914 it then jumped to sixty-six in 1915, fell to thirty-four in 1916 and rose again to fifty-two in 1917.[166]

By far the most dramatic increases occurred in the figures for the vagrancy offences of keeping, frequenting or being an inmate of a bawdy house. The average annual conviction rate for the years 1901-1910 was 1741.[167] For the later period it was 3868.[168] In the years 1914, 1915 and 1916 the figures were 4357, 4935 and 5469 respectively.

The increases can be explained at least in part in terms of pressure by the reformers and the response of the police. Evidence from individual Canadian cities supports this assertion. In Vancouver the election of a reform mayor dedicated to removing prostitution from the city was having an effect on police practices.[169] In Calgary the new Police Chief, Alfred Cuddy, and an increase in the size of the City Police Force had heralded an era of activism as the Chief declared war on the brothels.[170] In Toronto the figures in the annual report of the Chief Constable reveal that the period from 1912-1916 was the most fertile yet in terms of convictions for bawdy house offences.[171] This, it should be noted, was the time span during which the enforcement of the vice laws in that city was under investigation by the Social Survey Commission.

Any cheer which these figures might have given the reformers was in all likelihood illusory. Despite the evidence of greater vigilance on the part of the

police and greater success in prosecuting the "social evil," no significant dent was being made in the incidence of prostitution. Indeed, the record suggests that the "trade" and its practitioners and customers merely readjusted their habits to deal with more draconian enforcement patterns. As the Chief Constable of Toronto remarked in his report for 1917, the fact that prosecutions of houses of ill fame had fallen from 165 in 1916 to 91 in 1917 "does not necessarily indicate that the morality of the city has improved, but merely that sexual intercourse is indulged in in other ways in other places beyond the reach of the police."[172] As in the United States and Britain the evidence in Canada suggests that vigorous enforcement directed against organized brothels in discrete areas merely led to a dispersal of the "trade," and an increase in street prostitution.[173] Moreover, the exploitation practised by bawdy house keepers was replaced by the often more insidious influence and control of the pimp or "cadet" as he was often described.[174]

Perhaps the greatest shortcoming of the law was that the double standard was practised consistently in its enforcement. A complex of legal provisions which was designed primarily to attack the exploiters of prostitutes was used predominately to harass and victimize the prostitutes themselves. True, for the first time prosecutions were brought in some numbers against the procurers and pimps, but their number pales into insignificance alongside the host of women charged with vagrancy and bawdy house offences. Men were charged with keeping, frequenting and after 1913 with being "found in" bawdy houses. However, the criminal statistics reveal that, as in the 1890s, the convictions of females significantly outnumbered those of males. Between 1901 and 1910 the average annual rate of convictions for bawdy houses for males was 517. For females it was 1403.[175] The corresponding figures for the years 1911-1916 show some closing of the gap, 1329: 2455, but the differential was still significant.[176] Although the criminal law statistics do not allow a more discriminating comparison of male and female convictions as between keeping, frequenting and being an inmate of a bawdy house, a preliminary examination of statistics in particular cities shows that the females came off worse, particularly in charges of keeping bawdy houses. In Toronto for the period 1907 to 1917, charges against females consistently outnumbered those against males by a ratio of 2.3 to 1.0. Ironically, in the case of charges for frequenting or being an inmate the tables were reversed.[177] In Vancouver a preliminary survey of the Prisoners Record Books for the period 1912-1915 shows that over 80 percent of those charged with keeping bawdy houses were women, and that the majority of that group were females operating solo or in tandem out of single rooms.[178] Standard police practice, in enforcing the bawdy house laws, it seems, was either to follow a woman when she had picked up a customer on the street, or to set an officer as a decoy customer who would accompany the woman to her room.

Although men were charged as exploiters, the records indicate that they were a rather sorry lot by comparison with the imagined resourceful and devious purveyors of the white slave trade. Indeed, the police and jail records for Vancouver and Toronto respectively for the period 1912-1917 reveal that the typical exploiter was

of the same class as his victim and employed in an unskilled or dead end sort of job.[179] Where he could be described as engaged in the running of a prostitution establishment he was either the husband of the female keeper, the two of them running a small rooming house establishment, or was the caretaker or janitor. Absent from the records is the vice czar who so exercised the minds of the reformers; nor do the landlords of the hotels or rooming housing in which prostitution took place feature in the criminal statistics. The former was probably no more than a figment of the fertile imagination of the social purists. The latter seem to have been insulated from the "long arm" of the bawdy house laws, because of the doubt of the police as to their ability to secure convictions. These offenders were uniquely placed in having access to the resources to fight prosecution successfully and to appeal if necessary.[180]

It is a permissible, if tentative, conclusion that the Canadian prostitution laws did little or nothing to stop the exploitation of prostitutes, let alone reduce the incidence of prostitution itself. Indeed, the law and its enforcement may in some respects have contributed to exploitation by driving the prostitutes into the clutches of pimps. Moreover, despite the protestations of both reformers and legislators that the end of the double standard was their primary aim, it continued to flourish, especially at the level of enforcement. The prostitutes remained the deviants, to be harassed when and how the law enforcement authorities willed it.

The Faulty Assumptions of the Social Purists

This preliminary analysis of the development of the prostitution laws and the impact of social purity makes it all too easy to criticize those who were in the forefront of social reform in the late nineteenth and early twentieth centuries. It has to be remembered that for all their strange thinking and practical foibles, the cause of the social purists was one which did produce social benefits. Some women and children were "saved," and the basis was laid for that part of the welfare state which has the protection of the young as its focus. Moreover, one of the strains in this type of thinking was in time to lead to the translation of the social gospel into progressive political action. Having said that, however, there were very real weaknesses in the approaches and assumptions of the social purists which explain the gulf between aspiration and reality in the use of the criminal law to "solve" the problem of the social evil.

The major problem with the social purity movement was its belief in an ideal of moral perfection which was essential to the survival of society. This article of faith got in the way of a full appreciation of the nature of the social problem with which they were dealing, and prevented them from developing an empathy with the individual distress and hardship which underlay that problem. It also blinded them to the responsibility of their own class for the ravages of poverty, and to the limitations of their own assumptions and prescriptions. There were, it is true, individuals, like Josephine Butler, who embodied a shrewd ability to articulate the social causes of prostitution, a practical compassion for its victims and an intense feeling of class guilt. They were, however, in the minority and became less influential at a policy level as the movement grew in size and enthusiasm.

Although the social purists had some perception of the contribution which social degradation and economic privation made to prostitution, and had access to social data which should have made it clear, their moral sense induced them to look for an explanation elsewhere, in particular in the immorality or amorality of the working class. Thus the entry of young working girls into prostitution was explicable not in terms of the prepubescent violation of their sexuality, the menial wages and constricting and often sexually abusive environments in which they were forced to work, but in terms of their envy of the lifestyle of older girls. Greed rather than sexual abuse or economic exploitation explained their downfall. If the errancy was explicable in moral terms and endemic, as it seemed to the social purists to be, then the cure had to be both a moral and a standard one. In particular, the "delinquent" had to be exposed to the moral precepts which the social purists knew were essential to the preservation of Christian community: sexual continence and commitment to God, country and family. It was also considered important that the "delinquent" be trained for the sort of job in which she would be most likely to learn middle class values. This explains the remarkable paradox, which was entirely lost on the social purists, that girls who left domestic service because of its demanding, repressive and sexually abusive character to take up prostitution were trained in industrial refuges to become domestic servants. Even where the paradox was recognized, as it was by Toronto's Social Survey Commission, the problem with domestic service was felt to be the decline in quality of the girls rather than the particular employment context.[181]

Central to the moral beliefs of the social purists was a dread of the effects of unrestrained sex, and a rigid stereotyping of male and female sex impulses. When sex was discussed the message was typically negative. Anything outside conventional Victorian lovemaking between married partners was taboo, and in most instances postively harmful. Women who were sexually passive had to be both protected against the more aggressive sexual feelings of men, and to be sure not unwittingly to arouse members of the other sex. Had it occurred to the social purists, this theory which ruled out the mutual exploration of a couple's sexuality was probably productive of more rather than less extramarital sex. It was, moreover, a theory which, as contemporary feminist writers have asserted, ensured the continued economic and social subjection of women, a reality to which many female social purists were blind.[182]

The social purity movement was an activist crusade bent on both social and legal reform. As with all such crusades, the end tended to dictate the means. The rhetoric of the campaign was often substituted for rational debate and discussion. There was also a tendency to canonize the heroes of the movement and to attach the character of dogma to their writings and utterances without any attempt to assess the reliability of their data or conclusions. The adulation in which W.T. Stead was held is the prime example of this in the social purity context. By the same token, those who dared to take issue or raise questions were viewed with hostility and were often repressed. Thus it was that works of George Bernard Shaw and Havelock Ellis were banned in the United States and Britain respectively during the heyday of social purity.[183] The predominance of rhetoric and the tendency to

avoid the discussion of social data meant that the exact character and extent of the problem which the social purity crusaders were fighting was typically obscured. Nowhere is this more apparent than in the case of the white slavery fear. The term white slavery, which seems to have had an original connotation of regulated prostitution in brothels, was increasingly used to characterize all forms of exploitation in prostitution, as well as prostitution itself. The consequence was that the myth shrouded the reality, and became the driving force of social policy. This generated what might be described as spectral rather than rational law reform. The most outrageous example of this was the climate of fear engineered by the social purists in Britain as a prelude to the 1912 *Criminal Law Amendment Act*. In the hysterical context there were all too few who were willing to stand back and reflect calmly on both the claims and the prescription. One such person was a feminist, Teresa Billington-Greig, who had been an associate of the Pankhursts before she broke with them on the issue. In an article published in 1913 in the *English Review* she provided an angry but eloquent critique of the reformers' campaign which she felt was totally contrived and fuelled by the spread of white slavery stories.[184] She noted how frequently these stories recurred and turned up with new settings, the classic case being that of the ostensibly respectable man who frequented a brothel and asked the keeper for a virgin, only to be presented with his daughter. She went the further step of testing the veracity of these stories by checking them with the police and rescue and social workers whenever a particular location was mentioned. In no instances were the stories corroborated, and in a number of cases they were denied by the police. Even the redoubtable Mr. Coote expressed some doubts about their truth. The answers of the rescue and social workers concurred with those of the police. Finally, she surveyed the chief constables in a number of British cities to determine whether procuring had been and was a serious problem in their communities and found that, in their opinion, it was practically non-existent. In a conclusion which is perhaps the best indictment of the victory of zeal over rationality in the social purity crusade she observed:

> We have achieved nothing for the victims of exploited prostitution by this panic and punitive Act. Those responsible for it may have obtained ease of mind, the selfish satisfaction of having accomplished something. But this is merely the measure of their folly. For the rest they have given emphatic justification to those who question the responsibility of women in public affairs; they have provided arms and ammunition for the enemy of women's emancipation. The Fathers of the old Church made a mess of the world by teaching the Adam story and classing women as unclean; the Mothers of the new Church are threatening the future by the whitewashing of women and the doctrine of the uncleanness of men.[185]

While there is no doubt that cases of coercive procuring did occur from time to time in Canada, the record suggests this country, like Britain, overreacted with repressive law to a round of wild and groundless stories. The evidence to date suggests it did little or nothing to help the prostitutes.

The comments of Mrs. Billington-Greig point to another feature of the social

purity crusade, namely the strong but naive belief that the criminal law can solve or even control moral problems. The social purists failed to grasp the fact that prostitution, because of its individualistic character in most English-speaking countries, and the strong mixture of sexual and economic incentives which it involves, has a durable and tensile quality which eludes even total repression by the criminal law. The work of the social historians who have examined the phenomenon in the Canadian context shows clearly that the law enforcement authorities have merely chased the problem from street to street, and from street to bawdy house, hotel and residence, and back again. At the same time legal proscriptions against one type of exploiter have typically spawned another. Where the law has repressed the operators of brothels, pimps have appeared to fill the prostitutes' need for new means of support.

The social record also demonstrates that law enforcement characteristically hits the prostitutes the hardest. With the highest profile of all those associated with prostitution they were always the easiest to repress and harass when the police felt moved or pressured to act. The consequence was often the reverse of that intended by the social purists. It caused the greater dependency of prostitutes on self-styled male protectors. Ironically, the latter were normally shielded by their anonymity and the refusal of their women to inform on them.

Finally, the social purists were largely ignorant of the lack of enthusiasm felt by the law enforcement authorities for vice work. Whether out of distaste, lethargy, the conviction that there were more important policing functions, or occasionally graft, the social evil was rarely viewed by the police as seriously as by the reformers. The result was a perfunctory pattern of enforcement which more often than not had a cosmetic rather than a substantive purpose.

The combining of social activism with pressure for the invocation of the criminal law is by no means a purely historical phenomenon. It exists in our society, and can lead to the same dangers of excessive moral fervour and unthinking espousal of simplistic legal expedients. We are certainly not immune to "purity" crusades. Furthermore, we tend to cling to the sort of middle class stereotypes which prevented the social purists from appreciating the true nature of the problems with which they were dealing. Although there may be more scepticism now about the claims of moral zealots, we are not beyond being unduly influenced by experts, especially when we believe that they have answers which support our claims. While the use and reworking of fictional stories is perhaps less prevalent today than it was in the days of social purity, the advocates of moral reform are still capable of using dubious but oft-repeated factual information as if its constant repetition put its validity beyond question. Moreover, rhetoric and its capacity for obfuscating the issues is as much a problem now as it was then. Finally, there are many people now as then who attach an unwarranted and almost magical significance to law, especially criminal law, as the solution to complex social problems. If there is a lesson in all of this, it is that those responsible for social policy formulation have to be continually vigilant against being influenced by these features of the crusading mentality.

Notes

1. T. Billington-Greig, "The Truth About White Slavery," *English Review* 14 (1913), 428-429.

2. See, for example, R. Solomon and M. Green, "The First Century: The History of Non-medical Opiate Use and Control of Policies in Canada, 1870-1970," *University of Western Ontario Law Review* 20 (1982), 307; J. Gusfield, *Symbolic Crusade: Status Politics and the American Temperance Movement* (Urbana: University of Illinois Press, 1963); M. Barker, *A Haunt of Fears: The Strange History of The British Horror Campaign* (London: Pluto Press, 1984); J. Walkowitz, *Prostitution and Victorian Society: Women, Class and the State* (Cambridge: Cambridge University Press, 1980); R. Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918* (Baltimore: John Hopkins University Press, 1982); C. Backhouse, "Nineteenth Century Canadian Prostitution Law: Reflection of a Discriminatory Society," unpublished paper, April 1983; G. Parker, "The Legal Regulation of Sexual Activity and the Protection of Females," *Osgoode Hall Law Journal* 21 (1983), 185.

3. See *An Act for Regulating and Maintaining a House of Correction or Work House within the Town of Halifax* (1759), 33 Geo. II, c.1, s.2 (Nova Scotia); *An Act for punishing Rogues, Vagabonds, and other Idle and Disorderly Persons* (1774), 14 Geo. III, c.4 (Nova Scotia); *An Act to authorize the Erection and provide for the Maintenance of Houses of Industry* (1837), 7 Wm. IV, c.24 (Upper Canada); *An Act for the more speedy and effectual Punishment of Persons keeping Disorderly Houses* (1829), 9 & 10 Geo. IV, c.8 (New Brunswick) as amend. (1840), 3 Vict., c.44 and (1849), 12 Vict., c.39; *Of Offences against Public Morals* R.S.N.S. 1851, c.158, s. 3.

4. The Canadian law was based on an 1822 English statute, *An Act for consolidating into One Act and amending the Laws relating to idle and disorderly Persons*, 3 Geo. IV, c.40 s. 2 (England).

5. The English law was revised in 1824 and 1839 to include the noisome elements, *An Act for the Punishment of idle and disorderly Persons and Rogues and Vagabonds*, 5 Geo. IV, c.83 (England), s. 3, and *The Metropolitan Police Act*, 2 & 3 Vict., c.47, s. 54(11) (England).

6. Contrast *An Act to amend and extend the Act of 1857, for diminishing the expenses and delay in the Administration of Criminal Justice* (1858), 22 Vict., c.27 (Province of Canada), with *An Act for better preventing thefts and robberies, and for regulating places of public entertainment, and punishing persons keeping disorderly houses* (1752), 25 Geo. II, c.36, s. 2 (England).

7. For Britain, see *an Act for the Prevention of Contagious Diseases at certain Naval and Military Stations* (1864), 27 & 28 Vict., c.85 (England). For Canada, see (1865), 29 Vict., c.8 (Province of Canada). The latter act which was to continue in effect for only five years was allowed to lapse in 1870. Backhouse suggests that this step and the prior failure to enforce it may have stemmed from doubts about its efficacy and possibly by the controversy in Britain over the *Act* there. See Backhouse, "Nineteenth Century Canadian Prostitution Law."

8. J. Fingard, "The Social Evil in Halifax in the Mid-Nineteenth Century," 1977, unpublished paper, 2-3.

9. *Ibid.*, 17. See also the results of Backhouse's analysis of convictions in Ontario from 1845-1895, Backhouse, "Nineteenth Century Canadian Prostitution Law," 14-26.

10. See K. Chesney, *The Victorian Underworld* (Harmondsworth: Penguin Books, 1972), 363-433. For conditions in Halifax see Fingard, "The Social Evil in Halifax," 5-9.

11. See, in particular, Backhouse, "Nineteenth Century Canadian Prostitution Law." The rough life of most prostitutes is also evident in studies from both Britain and the United States. See Walkowitz, *Prostitution and Victorian Society*, 13-31; M. Goldman, *Gold Diggers and Silver Miners: Prostitution and Social Life on the Comstock Lode* (Ann Arbor: University of Michigan Press, 1981), 124-136; A. Butler, *Daughters of Joy, Sisters of Mercy: Prostitutes in the American West 1865-90* (Urbana: University of Illinois Press, 1985), 50-73.

12. See *Offences against the Person Act* (1861), 24 and 25 Vict., c. 100, ss. 50, 51 (England). See G. Parker, "The Legal Regulation of Sexual Activity," 211-214, for details of earlier provisions in the Maritime colonies, Lower and Upper Canada all of which had increased the age to twelve. The wording of the English statute was translated to the Canadian *Offences against the Person Act* (1869), 32 & 33 Vict., c. 20, ss. 51, 52.

13. See Parker, *ibid.*, 211-212 and *Offences against the Person Act* (1861), 24 & 25 Vict., s. 53 (England) and *Offences against the Person Act* (1869), 32 & 33 Vict., c. 20, ss. 54 (Canada).

14. See *An Act to protect Women from Fraudulent Practices for Procuring their Defilement* (1849), 12 & 13 Vict., c. 74 (England).

15. *Offences Against the Person Act* (1861), 24 & 25 Vict., c. 100, s. 49 (England); *Offences against the Person Act* (1869), 32 & 33 Vict., c. 20, 50 (Canada).

16. E. Bristow, *Vice and Vigilantes: Purity Movements in Britain since 1700* (Dublin: Gill & MacMillan Ltd., 1977).

17. *Ibid.*, 52-53. The leading proponent of regulation of prostitutes for public health reasons was Dr. William Acton. For a sample of his views, see J. Murray, *Strong Minded Women and Other Lost Voices from 19th Century England* (New York: Pantheon Books, 1982), 394-397, 427-428. The prostitute as saviour of virtuous womanhood was a theme of the historian and essayist, William Leckey, *ibid.*, 411-412.

18. See K. Chesney, *The Victorian Underworld*, 386-388; R. Pearsall, *The Worm in the Bud: The World of Victorian Sexuality* (Harmondsworth;, Penguin Books, 1971), 358-366. Although the desire of some customers in Canada for young girls has not been so clearly demonstrated as in England, the work of Backhouse, "Nineteenth Century Canadian Prostitution Law," 15-16, demonstrates that girls from their early teenage years were active in the trade. See also *infra* for the concern of Canadian legislators and reformers in the 1880s and 1890s about child prostitution and its sponsors.

19. F. Harrison, *The Dark Angel: Aspects of Victorian Sexuality* (London: Sheldon Press, 1977), 250-251.

20. The more radical wing of the feminists in the movement tended to emphasize the role of the woman as independent of the male, and thus to reject or underplay the importance of the woman as wife and mother. However, these impulses were sometimes submerged in the interests of reform politics. See J. Walkowitz, "Male Vice and Female Virtue: Feminism and the Politics of Prostitution in Nineteenth Century Britain," in A. Snitow, C. Stanswell & S. Thompson (eds.), *Powers of Desire: The Politics of Sexuality* (New York: Monthly Review Press, 1983), 411-422. For an account of the thinking of radical feminists in Canada, see C. Bacchi, *Liberation Deferred: The Ideas of English Canadian Suffragists 1877-1915* (Toronto: University of Toronto Press, 1983); W. Roberts, "'Rocking the Cradle for the World': The New Woman and Maternal Feminism, Toronto 1877-1914," in L.

Kealey (ed.), *A Not Unreasonable Claim: Women and Reform in Canada, 1880s-1920s* (Toronto: Women's Press, 1979), 15.

21. For discussion of the changes in Victorian thinking on sex and sexuality wrought by the reformers and its impact on the law, see G. Parker, "The Legal Regulation of Sexual Activity." In the minds of most of the religious reformers in the Victorian period there existed a strong connection between sexual aberration and sin. It followed that individual salvation was necessary if the sin was to be purged. This view which was strongest among the churches in the evangelical Protestant tradition, began to wane towards the end of the century as mainstream Protestant impulses began to shift to the "social gospel" and the salvation of society. For an account of this transformation in the Canadian context, see R. Cook, *The Regenerators: Social Criticism in Late Victorian English Canada* (Toronto: University of Toronto Press, 1985), 173-232.

22. Walkowitz, *Prostitution and Victorian Society*, 99-104.

23. Bacchi, *Liberation Deferred*, 8-9.

24. Walkowitz, *Prostitution and Victorian Society*, 114-118; Bristow, *Vice and Vigilantes*, 75-85.

25. Bristow, *ibid.*, 85-90.

26. *Ibid.*, 60.

27. *Ibid.*, 86.

28. British Parliamentary Papers, *Report of the Select Committee on the Protection of Young Girls*, 1882, iii.

29. *Ibid.*, Minutes of Evidence, 88 (Morgan); 83 (Dunlap).

30. *Ibid.*, Minutes of Evidence, 92-93 (Dunlap); 88 (Morgan); 8 (Miss Ellice Hopkins); 33 (Rev. J.W. Horsley).

31. *Ibid.*, *Report*, iv-v.

32. *An Act respecting Vagrants* (1869), 32 & 33 Vict., c. 28 (Canada). Section 1 introduced the new offence of having no profession or calling to maintain oneself by, but for the most part supporting oneself by the avails of prostitution. The prescribed penalty was a maximum of two months imprisonment, fifty dollars or both. The maximum penalty was later increased to six months: (1874) 37 Vict., c. 43, s. 1 (Canada). By legislation in 1881 it was made clear that accused could be sentenced to six months with or without hard labour: (1881) 44 Vict., c. 31, s. 1 (Canada).

33. See Backhouse, "Nineteenth Century Canadian Prostitution Law," 11. Examples given by Backhouse include *An Act to repeal the several Acts for incorporating the City of Fredericton* (1851), 14 Vict., c. 15 (New Brunswick); *An Act concerning the City of Halifax* (1864), 27 Vict., c. 81, ss. 227-228 (Nova Scotia); *An act respecting Municipal Institutions*, 1877, R.S.O. Vol. II, c. 174, s. 461(27) (Ontario); *Municipal Code of the Province of Quebec* (1870), 34 Vict., c. 68, s. 598, 603 (Quebec); *An Act respecting Municipalities* (1875), 38 Vict., c. 31, s. 17(26) (Manitoba). As an example of a bylaw enacted under enabling legislation Backhouse cites the City of London Bylaw of 1879 which not only attached penalties to keeping or frequenting a house of ill fame or letting premises to be used in that way, but also made it an offence to open premises, whether private or public, to prostitutes, to carry them in cabs for hire or to let cabs or horses to them.

34. Parliamentary Debates, House of Commons, 1882, 327. Charlton was a devout

Presbyterian and a founding member of the Dominion Lord's Day Alliance.

35. See, e.g., speech of Sir John A. MacDonald in Committee, Parliamentary Debates, H.C., 1883, 222-223.

36. Parliamentary Debates, Senate, 1884, 365-368.

37. (1885), 48 & 49 Vict., c. 82 (Canada). In the Commons Charlton criticized the bill because it made no attempt to get at the person having illicit connection. Both an amendment by him to remedy that gap and a motion to refer the bill back to Committee were defeated. See Parliamentary Debates, H.C., 1885, 2767-2768.

38. Parliamentary Debates, H.C., 1884, 287.

39. Parliamentary Debates, H.C., 1884, 289.

40. Montreal Society for Protection of Girls and Young Women, Minutes Book, 1882-1891, PAC MG 281 129.

41. *Ibid.*

42. Backhouse, "Nineteenth Century Canadian Prostitution Law," 52-53. Backhouse reveals that legislative status had been accorded to such establishments from earlier in the century (see, e.g., *Montreal Institute for Female Penitents* (1832), 3 Wm. IV, c. 35 (Lower Canada); *Toronto Magdalen Asylum* (1858), 22 Vict., c. 73 (Province of Canada). This process continued and intensified through the 1860s and 1870s.

43. *Ibid.*, 53-56. Backhouse notes that the maximum penalty for vagrancy was increased to six months in 1874 *An Act Respecting Vagrants*. Complementary provincial and federal legislation authorized the custody of women convicted of provincial and federal offences respectively in provincial reformatories (see, e.g., *An Act Respecting the Andrew Mercer Reformatory for Females* (1879), 42 Vict., c. 38, s. 2 (Ontario); *An Act respecting the Andrew Mercer Reformatory for Females* (1879), 42 Vict., c. 43 (Canada)). Moreover, special federal legislation was enacted requiring women convicted of vagrancy in Quebec to serve their sentences in the Quebec female reformatory prison. The *minimum* penalty which could be exacted was five years! See *An Act to make provision for the detention of female convicts in Reformatory Prisons in the Province of Quebec* (1871), 24 Vict., c. 30, s. 2 (Canada).

44. *Ibid.*, 56-57. See, e.g., *An Act to establish an Industrial Refuge for Girls* (1879), 42 Vict., c. 39 (Ontario).

45. R. Schults, *Crusader in Babylon: W.T. Stead and the Pall Mall Gazette* (Lincoln: University of Nebraska Press, 1972), 130-131.

46. *Ibid.*, 128-168; D. Gorham, "The 'Maiden Tribute of Modern Baylon' Re-examined: Child Prostitution and the Idea of Childhood in Late-Victorian England," *Victorian Studies* 21 (1978), 353.

47. Schults, *Crusader in Babylon*, 169-192.

48. *Criminal Law Amendment Act*, (1885), 48 & 49 Vict., c. 69 (U.K.).

49. *Ibid.*, s. 2.

50. *Ibid.*, s. 3.

51. *Ibid.*, s. 4-7.

52. *Ibid.*, s. 8.

53. *Ibid.*, s. 10.

54. *Ibid.*, s. 13.

55. Parliamentary Papers, H.C., 1886, 441-444.

56. *An Act respecting Offences against the Public Morals and Convenience* (1886), 49 Vict., c. 157, ss. 2, 4, 5.

57. Parliamentary Papers, H.C., 570-571, 704-707.

58. *Ibid.*, 705-706.

59. *Ibid.*, 706.

60. D.A. Watt, *Moral Legislation: A Statement Prepared for the Information of the Senate* (Montreal: Gazette Printing Co., 1890), Appendix A, 37-41.

61. For the development of this program of lobbying, see Montreal Society for the Protection of Girls and Young Women, Minute Book, 1882-1891, PAC MG 281 129. See also Parker, "The Legal Regulation of Sexual Activity," 217-226.

62. Watt, *Moral Legislation*, 27-30, 43-46.

63. *Ibid.*, 25.

64. See *An Act further to Amend the Criminal Law* (1890), 53 Vict., c. 37, ss. 4-9 (Canada).

65. Parker, "The Legal Regulation of Sexual Activity," 223-224.

66. G. Parker, "The Origins of the Canadian Criminal Code," in D. Flaherty (ed.), *Essays in the History of Canadian Law*, Vol. 1 (Toronto: University of Toronto Press, 1981), 249, 268.

67. *The Criminal Code of Canada*, (1892), 55-56 Vict., c. 29, ss. 269, 181-184.

68. *Ibid.*, s. 185(a).

69. *Ibid.*, s. 185(b. (c).

70. *Ibid.*, s. 185(e), (f), (g), (h), (i).

71. *Ibid.*, ss. 186, 187.

72. *Ibid.*, s. 684.

73. *Ibid.*, s. 198.

74. *Ibid.*, s. 574.

75. See, e.g., Watt, *Moral Legislation* and statement of the Members for Montreal East, Mr. Coursol, Parliamentary Debates, H.C., 1884, 287.

76. Gorham, "The 'Maiden Tribute' Reexamined," 356-357; Bristow, *Vice and Vigilantes*, 106-107.

77. Montreal Society for the Protection of Girls and Young Women, Minute Book, 1882-1891, PAC MG 281 129.

78. *R. v. McNamara* (1890), 20 O.R. 489 (H.C.).

79. Parker, "The Legal Regulation of Sexual Activity," 220.

80. Gorham, "The 'Maiden Tribute' Reexamined," 373-374.

81. *Ibid.*, 364-365.

82. *Report of Select Committee on the Protection of Young Girls.*

83. This was true of a substantial minority of former servants according to Walkowitz, *Prostitution and Victorian Society*, 18.

84. Backhouse, "Nineteenth Century Canadian Prostitution Law," 14-26.

85. G. Pearson, *Hooligans: A History of Respectable Fears* (London: MacMillan, 1983).

86. Watt, *Moral Legislation*, 32-33.

87. Bristow, *Vice and Vigilantes*, 114-118.

88. Parliamentary Debates, House of Commons 1885, Vol. 300, 1419-1421. Smith who wished to add an offence of "habitual solicitation" was primarily concerned to protect women and girls from the insults to which they were subjected in public places from potential customers.

89. See *Report of Select Committee on the Protection of Young Girls*, 1882, iii; and Gorham, "The 'Maiden Tribute' Reexamined."

90. Parliamentary Debates, 1885, Vol. 300, 1421-1422. Speeches by Sir R. Assheton Cross and Sir William Harcourt.

91. Bristow, *Vice and Vigilantes*, 154-174.

92. *Ibid.*, 154-159.

93. For details of its establishment see Bristow, *Vice and Vigilantes*, 112-121; Walkowitz, *Prostitution and Victorian Society*, 251-252.

94. Bristow, *Vice and Vigilantes*, 159-168.

95. *Ibid.*, 162.

96. *Ibid.*, 164-165.

97. *Ibid.*, 169-170; Walkowtiz, *Prostitution and Victorian Society*, 211-212.

98. *Vagrancy Law Amendment Act* (1898), 61, c. 62, Vict., c. 39.

99. Bristow, *Vice and Vigilantes*, 170-171.

100. Bacchi, *Liberation Deferred*, 112-114.

101. The Criminal Statistics of the period have their limitations. Several offences are often subsumed under a generic heading so that one has no idea of the breakdown of convictions between the several offences. Although the total number of people convicted of particular groups of indictable offences is reported annually, the figures are not broken down further into convictions of male and females. This *was* done, however, for figures accumulated between 1887-1897. By contrast there was no breakdown between male and female offenders convicted of the bawdy house vagrancy offences. This was remedied in 1895. Thereafter conviction figures for both men and women appear in the annual statistics.

102. Sessional Papers, 1898. No. 8D, xxxii-xxxiii. This probably reflects the fact that seduction was only introduced as an extended offence in 1886.

103. *Ibid.*, lii-liii. It is interesting to note that while the average annual conviction rate for the bawdy house offences from 1893-1897 was similar to that for the period 1888-1892 (664.6/668.2), those figures were appreciably lower than the annual rate for 1883-1887 which was 817.2.

104. In fact separate figures for procuring do not appear in the Annual Criminal Statistics until 1911.

105. For a revealing example of negative attitudes to prostitutes see correspondence from J. Crerar, Crown Attorney for Wentworth, to the Deputy Attorney-General of Ontario in which the former expressed his frustration at having to prosecute a New York woman charged with procuring two Hamilton women to go to her brothel in the United States. He gives it as his opinion that it would be better for such "pests" to be lured away from Canada. See *Queen v. Gibson*, Ont. Prov. Archives, R.G. 4, C-3, 1898, File no. 1228.

106. J. Gray, *Redlights on the Prairies* (Toronto: MacMillan, 1971).

107. Toronto City Archives, R.G. 9, B-E, Register of Criminals, Nov. 23, 1892 - May 4, 1895.

108. C.S. Clark, *Of Toronto the Good: The Queen City of Canada as It Is* (Montreal: The Toronto Publishing Co., 1898), 147.

109. Gray, *Redlights on the Prairies.*

110. Generally on the crusade against the international white slave trade, see Bristow, *Vice and Vigilantes*, 175-194.

111. *Ibid.*, 177-181. See also E. Bristow, *Prostitution and Prejudice: The Jewish Fight Against White Slavery*, 1870-1939 (Oxford: Clarendon Press, 1982).

112. P. Roy, "The Oriental Menace in British Columbia," in M. Horn & R. Sabourin (eds.), *Studies in Canadian Social History* (Toronto: McClelland & Stewart, 1974), 289.

113. *Aliens Act* (1905), 5 Edw. 7, c. 13 (U.K.).

114. Bristow, *Vice and Vigilantes*, 176-177; A. Flexner, *Prostitution in Europe* (Montclair, N.J.: Patterson Smith, 1969), 286-342.

115. Bacchi, *Liberation Deferred*, 52.

116. *Ibid.*, 53-55.

117. M. Connelly, *The Response to Prostitution in the Progressive Era* (Chapel Hill: University of North Carolina, 1980), 64-66.

118. M. Bliss, "'Pure Books on Avoided Subjects': Pre-Freudian Sexual Ideas in Canada," [1975] Can. Hist. Assoc. Papers 89.

119. Connelly, *The Response to Prostitution*, 67-90. For an example of the treatment of venereal disease in contemporary anti-white slavery literature see E. Bell, *War on the White Slave Trade* (Toronto: Coles Publishing Co., 1980), 281-304 (originally published, Chicago: C. Thompson Publishing Co., 1909).

120. Connelly, *The Response to Prostitution*, 70.

121. See E. Bell, *War on the White Slave Trade*, 281-304.

122. The efforts of these pioneers are examined in D. Pivar, *Purity Crusade, Sexual Morality and Social Control 1868-1900* (Westport, Conn.: Greenwood Press, 1973).

123. R. Rosen, *The Lost Sisterhood*, 78-82.

124. Connelly, *The Response to Prostitution*, 281-304.

125. *Ibid.*, 91-113; see also The Vice Commission of Chicago, *The Social Evil in Chicago* (New York: Arno Press, 1970).

126. *White Slave Traffick Act*, U.S., Statutes at Large, vol. 36 (1910), 825-827.

127. See *Hoke* v. *U.S.*, 227 U.S. 308 (1913); *Athanasaw* v. *U.S.*, 227 U.S. 308 (1913); *U.S.* v. *Holte*, 236 U.S. 140 (1915); *Caminetti* v. *U.S.*., 242 U.S. 470 (1917).

128. Rosen, *The Lost Sisterhood*, 14-37.

129. *Ibid.*, 28-33.

130. *Ibid.*, 33-37.

131. Bristow, *Vice and Vigilantes*, 189.

132. *Ibid.*, 191.

133. *Criminal Law Amendment Act*, (1912), 2 and 3 Geo. 5, c. 20, ss. 4-5 (England).

134. *Ibid.*, s. 3.

135. With the exception of attempts by the redoubtable Mr. Charlton to extend the application of the seduction provisions in the Criminal Code during the late 1890s, the debates in Parliament on morals law reveal that from 1892 to 1906 the primary focus of attention was immoral theatre performances and literature.

136. Although the average annual conviction rate for bawdy house offences more than doubled for the years 1898-1902 over the period 1893-1897 and climbed rapidly thereafter, the convictions for abduction and seduction increased only marginally, and convictions for procuring were still not numerous enough to warrant separate reporting.

137. J. Bedford, "Prostitution in Calgary 1905-1914," *Alberta History* 29 (1981), 1, 1-2.

138. *Ibid.*, 4; Thorner & N. Watson, "Patterns of Prairie Crime, 1875-1939," in L. Knafla (ed.), *Crime and Criminal Justice in Europe and Canada* (Waterloo: Wilfred Laurier University Press, 1981), 219, 225-226, 254.

139. J. Gray, *Redlights on the Prairies*, 18-19.

140. R. Allen, *The Social Passion: Religion and Social Reform in Canada 1914-28* (Toronto: University of Toronto Press, 1971), 3-17. The "social gospel" movement had a particular catalyst in the establishment in 1907 of the Moral and Social Reform Council jointly headed by Rev. J.G. Shearer and Rev. T.A. Moore, Social Service Secretaries of the Presbyterian and Methodist Churches respectively. This proved to be a very effective lobbying group. For an example of the message of the Church on prostitution, see "The Social Evil" in United Church Archives, Papers of S.D. Chown, General Superintendent Methodist Church of Canada, Newfoundland and Bermuda, Box 11, File no. 369.

141. J. Cooper, "Red Lights of Winnipeg," Historical and Scientific Soc. of Manitoba Series III 29 (1972-73), 61, 68-69.

142. Bedford, "Prostitution in Calgary," 4.

143. Thorner & Watson, "Patterns of Prairie Crime," 251, 253.

144. D. Nilson, "The 'Social Evil': Prostitution in Vancouver 1900-1920," in B. Latham & C. Less (eds.), *In Her Own Right* (Victoria, B.C.: Camosun College, 1980), 208.

145. *Ibid.*, 215.

146. L. Rotenberg, "The Wayward Worker: Toronto's Prostitute at the Turn of the Century," in J. Acton, P. Goldsmith & B. Shepard (eds.), *Women at Work* (Toronto: Canadian Women's Educational Press, 1974), 57.

147. Report of the Social Survey Commission (Toronto: Carswell Co., Ltd., 1915), 26-32.

148. *Ibid.*, 7.

149. See, e.g., Ontario Provincial Archives, R.G. 4, C-3, 1909, File no. 1639 (complaint from Rev. S.D. Chown, General Superintendent of the Methodist Church concerning conditions in Arnprior).

150. See, e.g., Ontario Provincial Archives, R.G. 4, C-3, 1909, File no. 682 (request from Rev. Chown that houses of ill fame in Fort William be closed).

151. Bacchi, *Liberation Deferred*, 113; See the Yearbook of the N.C.W., 1905-1920, and the Canadian W.C.T.U., 1911-1920. The N.C.W. records reveal that W. A. Code visited Canada in 1912.

152. J. Shearer, "The Canadian Crusade," printed in E. Bell, *War on the White Slave Trade*, 333-352. See also Minutes, Board of Moral and Social Reform, Presbyterian Church of Canada, 1907-1912, U.C.A., and Report on Temperance and Morals Reform of the Alberta Conference of the Methodist Church, 1912.

153. Parliamentary Debates, Senate 1909, 677. The eminent jurist Sir Henri Taschereau had conducted a commission of Inquiry into the attitude of the Montreal Police to prosecution of Prostitution in 1908. His report was highly critical of police tolerance of prostitution. Part of the document was reprinted by the Presbyterian Church that same year in pamphlet form. In 1907 after a number of prostitutes were acquitted of keeping bawdy houses where they practiced prostitution out of premises occupied by them on an individual basis, the Code was amended to close this loophole — (1907), 6 & 7 Edw. VII, c. 8, s. 2.

154. It is interesting to note that the Rev. S.D. Chown, the General Superintendent of the Methodist Church, corresponded with MacKenzie King in 1908 encouraging him in his endeavours to deal with the opium trade — United Church Archives, Chown Papers, Box 1, File no. 10. The Minutes of the Board of Moral and Social Reform of the Presbyterian Church, September 7, 1909, reveal that King, by then Minister of Labour, was a member of the Board and met with his colleagues on that occasion to discuss issues of mutual concern.

155. *Criminal Code Amendment Act* (1913), 3 & 4 Geo. V, c. 13.

156. *Ibid.*, s. 9.

157. *Ibid.*

158. *Ibid.*, 23.

159. *Ibid.*, s. 9.

160. *Ibid.*, ss. 1. 11.

161. Parliamentary Debates, H.C., 1913, 10077. The Minutes of the Board of Social and Moral Reform, Executive, January 30, 1912, reveals that representatives of the Moral and Social Reform Council met with Doherty on January 26 about proposed amendments to the Code.

162. By *The Criminal Code Amendment Act* (1915), 5 Geo. V, c. 12, s. 5, being an inmate of a bawdy house was made an indictable offence. By s. 7 of the same Act the vagrancy offences of keeping and being an inmate or frequenter of a bawdy house were repealed. Amendments in 1917 extended the definition of bawdy house to embrace establishments kept for the practice of acts of indecency — (1917), 7 & 8 Geo. V, s. 3.

163. Session Papers, 1900-1910; no. 7 (1900), no. 17 (1901-1910).

164. Session Papers, 1911-1917; no. 17.

165. Session Papers, 1900-1917; no. 7 (1900), no. 17 (1901-1917).

166. Session Papers, 1911-1917; no. 17.

167. Session Papers, 1900-1910; no. 7(1900), no. 17(1901-1910).

168. Session Papers, 1911-1917; no. 17.

169. Nilson, "The Social Evil," 215.

170. Bedford, "Prostitution in Calgary," 7. See also M. Langdon, "Female Crime in Calgary 1914-1941," in L. Knafla (ed.), *Law and Justice in a New Land: Essays in Western Canadian Legal History* (Calgary: Carswell Co., 1986).

171. City Council Minutes, Toronto (Toronto City Archives) 1912-1916, Appendix C.

172. City Council Minutes, Toronto (Toronto City Archives) 1918, Appendix C, 18.

173. Nilson, "The Social Evil," 215.

174. Bedford, "Prostitution in Calgary," 7; Rotenberg, "The Wayward Worker," 57.

175. Session Papers, 1900-1910; no. 7(1900), no. 17(1901-1910).

176. Session Papers, 1911-1916; no. 17.

177. City Council Minutes, Toronto (Toronto City Archives) 1907-1909, 1911-1917, Appendix C.

178. Vancouver City Archives, Board of Police Commissioners, Police Dept., Prisoner Record Books, Vol. 4 76(c) 1.

179. *Ibid.*; Ontario Provincial Archives, Ontario Central Prison Register, 1912-1921, R.G. 20, Series E-18, Vol. 3.

180. At this time in the case of both summary conviction offences and certain species of indictable offences, including being a keeper or inmate of a bawdy house, convictions were only appealable in very limited circumstances, i.e., where made by two justices of the peace. In the absence of a right of appeal, the convicted person had to proceed by way of application for writ of *habeas corpus* with *certiorari*, an expensive procedure. Only if that application to quash were rejected could there be an appeal. See Langdon, "Female Crime in Calgary," in Knafla (ed.), *Law and Justice in a New Land*, 299.

181. Report of the Social Survey Commission.

182. See, e.g., Walkowitz, *Prostitution and Victorian Society*.

183. See Bristow, *Vice and Vigilantes*, 118, 125.

184. Billington-Greig, "The Truth About White Slavery."

185. *Ibid.*, 446.